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International Court of Justice

H1133 - 0002

I N T H E

INTERNATIONAL MILITARY TRIBUNAL

TRIAL BRIEF

CRIMINALITY OF DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY)

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DOCUMENTS CITED IN TRIAL BRIEF ON CRIMINALITY OF DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITER-PARTEI (LEADERSHIP CORPS OF THE NAZI PARTY)

I. NUMERICAL LIST

	Doc. No.	Page No.	Description of Document
1.	D-75	45	SD Inspector Bierkamp's letter to RSHA enclosing copy of secret decree signed by Bormann condemning Christian Churches - 12 December 1941.
2.	L-172	30	Lecture by Chief of General Staff of Armed Forces, 7 November 1943, to Reich and Gauleiter, Munich.
3.	L-179	39	Copy of letter from RSHA to police officials, 5 November 1942.
4.	L-221	44	Copy of memorandum by Reichsleiter Bormann of meeting called by Hitler, 16 July 1941, attended by Rosenberg, Lammers, Keitel, and Goering.
5.	004-PS	35	Report on the Political Preparation of the Norway Action, dated 15 June 1940, Berlin, submitted by Rosenberg to the Deputy of the Fuehrer.
6.	057-PS	31	Circular letter from Bormann to Political Leaders, dated 30 May 1944.
7.	064-PS	55	Bormann's letter to Rosenberg dated 27 September 1940, enclosing letter from Gauleiter Florian criticizing churches and publications for soldiers.
8.	070-PS	45	Bormann's office reports by letter to Rosenberg progressive cancellation of morning prayers in school and substitution of NS mottos, etc. 25 April 1941.
9.	071-PS	70	Copy of Rosenberg letter to Bormann, 18 June 1940.
10.	072-PS	52	Letter from Bormann to Rosenberg re seizure of archives of churches and monasteries dated 10 April 1941.
11.	089-PS	56	Letter from Bormann to Rosenberg, dated 8 March 1940, instructing Amann not to issue further newsprint to confessional newspapers.
12.	090-PS	70,72	Letter Rosenberg to Schwarz dated 28 January 1941, copy initialled "Sch."
13.	098-PS	46	Bormann's letter to Rosenberg dated 22 February 1940 urging creation of NS Catechism, etc. to provide moral foundation for NS religion.
14.	100-PS	47	Bormann's letter to Rosenberg dated 18 January 1940 urging preparation of NS reading material to replace Christian literature for soldiers.

	Doc. No.	Page No.	Description of Document
15.	101-PS	56	Bormann's letter to Rosenberg re undesirability of religious literature in Wehrmacht - 17 January 1940.
16.	107-PS	47	Circular letter to all Reich and Gauleiter dated 17 June re non-participation of Reichsarbeitsdienst in religious celebrations.
17.	116-PS	57	Bormann's letter to Rosenberg, enclosing copy of letter to Rust requesting restriction or elimination of theological faculties. 24 January 1939.
18.	122-PS	58	Bormann's letter to Rosenberg enclosing copy of Rust's letter on elimination of theological faculties in various universities. 17 April 1939.
19.	136-PS	67	Certified copy of Hitler order, dated 29 January 1940.
20.	137-PS	69	Certified copy of Keitel order, dated 5 July 1940.
21.	141-PS	67,70	Certified copy of Goering order, dated 5 November 1940.
22.	144-PS	71	Photostatic copy of Goering order, dated 1 May 1941, Goering's signature.
23.	145-PS	70	Photostatic copy of order from Rosenberg, Rosenberg's signature, dated 20 August 1941.
24.	149-PS	68	Certified copy of Hitler order, dated 1 March 1942.
25.	154-PS	68	Photostatic copy of Hitler order, dated 5 July 1942, Lammers' signature.
26.	315-PS	36	Note of a meeting held in the Reich Ministry for Enlightenment and Propaganda, 10 March 1943, relating to treatment of foreign workers employed in the Reich.
27.	327-PS	30	Letter of Rosenberg to Bormann, 17 October 1944, concerning liquidation of property in the Eastern Occupied Territories.
28.	347-PS	32	Copy of letter, 18 April 1944, from Lohse to Reich Youth Leader Axmann.
29.	374-PS	42,43	Copy of teletype message from Heydrich to State Police offices, relating to measures against Jews.
30.	392-PS	11,60,61, 62	The Social Life of New Germany with Special Consideration of the German Labor Front (Berlin, 1938), by Prof. Willy Mueller, pp. 51-54. Contains two NSDAP orders by Ley on taking over unions, one dated 21 April 1933, the other dated 24 June 1933.

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	Doc. No.	Page No.	Description of Document
31.	405-PS	61	Law Concerning Trustees of Labor, 1933 RGBl, I, 285.
32.	407-PS	33	VI, letter from Gauleiter Sauckel to Hitler, dated 15 April 1943.
33.	630-PS	35	Memorandum of Hitler, 1 September 1939, relating to authorization of mercy killings.
34.	654-PS	37	Note of a discussion on 18 September 1942 with Himmler relating to "special treatment" by police in cases where judicial sentences are deemed inadequate.
35.	656-PS	31	Undated letter from Bormann to Political Leaders, enclosing order of the Supreme Command of the Wehrmacht relating to self-defense against prisoners of war.
36.	840-PS	50	Party directive signed by Bormann excluding clergy and theology students from Party Membership. 14 July 1939.
37.	848-PS	50	Gestapo telegram dated 24 July 1938, Berlin to Nurnberg dealing with demonstrations against Bishop Sproll in Rottenburg.
38.	849-PS	51	Letter from Kerrl to Minister of State with enclosures dealing with persecution of Bishop Sproll - 24 July 1938.
39.	1015-PS	71	Photostatic copy of letter of Goering to Rosenberg, dated 21 November 1940 Goering's signature.
40.	1058-PS	40	Speech by Reichsleiter Rosenberg, 20 June 1941
41.	1117-PS	70	Copy of letter, Rosenberg to Goering, 18 June 1942.
42.	1130-PS	38	Note on speech by Koch in Kiev, 1 April 1943.
43.	1364-PS	51	Secret letter dated 21 April 1942 from SS to all concentration camp commanders re treatment of priests.
44.	1386-PS	20	Law concerning the granting of amnesty, 23 April 1936, 1936 RGBl, I, 378.
45.	1388-PS	16	Law against the Formation of New Political Parties, 1933 RGBl, I, 479.
46.	1389-PS	65,66	Law Creating Reich Labor Service, 1935 RGBl, I, 769.
47.	1391-PS	18	1934 RGBl, I, 605-607.
48.	1392-PS	20	Law on the Hitler Youth, 1 December 1936, 1936 RGBl, I, 993.

	Doc. No.	Page No.	Description of Document
49.	1393-PS	18	Law of 20 December 1934, 1934 RGBl, I, 1 269.
50.	1394-PS	17	Law of 13 October 1933, 1933 RGBl, I, 723.
51.	1395-PS	17	Law on Securing the Unity of Party and State, 1 December 193[illegible], 1933 RGBl, I, 1016.
52.	1397-PS	16	Law for the Reestablishment of the Professional Civil Service, 7 April 1933, 1933 RGBl, I, 175.
53.	1398-PS	17	Law to supplement the law for the restoration of the Professional Civil Service, 1933 RGBl, I, 582.
54.	1402-PS	24	The Homestead Law of 29 September 1933, 1933 RGBl, I, 685.
55.	1412-PS	26	Order concerning expiated contribution of Jews of German nationality, 12 November 1938, 1938 RGBl, I, 1579.
56.	1415-PS	26	Police Regulation re Appearance of Jews in public, 28 November 1938, 1938 RGBl, I, 1676.
57.	1416-PS	25	The Reich Citizenship Law, 1935, I, 1146.
58.	1417-PS	25	1935 RGBl, I, 1333.
59.	1419-PS	26	Law Concerning Jewish Tenants, 30 April 1939, 1939 RGBl, I, 864.
60.	1422-PS	27	13th Regulation of 1 July 1943 under the Reich Citizenship Law, 1943 RGBl, I, 372.
61.	1438-PS	33	Third order, supplementary to the decree of the Fuehrer concerning the administration of the Sudeten-German territory, 1938 RGBl, I, 1453.
62.	1481-PS	58	Gestapo order, 20 January 1938 dissolving and confiscating property of Catholic Young Womens Organization in Bavaria.
63.	1517-PS	40	Memorandum from Rosenberg files, concerning discussion with the Fuehrer, 14 December 1941, signed by Rosenberg.
64.	1654-PS	33	Law for the Organization of the Armed Forces, 1935 RGBl, I, 369.
65.	1662-PS	26	Order eliminating Jews from German economic life, 12 November 1938, 1938 RGBl, I, 1580.
66.	1665-PS	26	Order concerning treatment of property of Nationals of the former Polish State, 17 September 1940, 1940 RGBl, I, 1270.
67.	1674-PS	25	Second Decree for the Execution of the Law regarding the change of Surnames and Forenames, 17 August 1938, 1938 RGBl, I, 1044.

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	Doc. No.	Page No.	Description of Document
68.	1678-PS	62	Documents of German Politics, Speech of Ley, Vol. V, pp. 372, 373 and 376.
69.	1708-PS	12,13	25 points of the Program of the NSDAP. Point 24 on religious freedom and limitations thereon.
70.	1814-PS	2,15,63, 64	Organization Book of the NSDAP, 1936, 1938 and 1940 Editions, pp. 86-88.
71.	1815-PS	49,52	Gestapo file on espionage and other measures against clergy. Confiscation, suppression, etc. Kirkenpolitischer Nachrichtendienst.
72.	1817-PS	65	Organization Book of the NSDAP, 1936 Edition, p. 211.
73.	1855-PS	47	Organisationsbuch der NSDAP (p. 418) "The SS man openly fights enemies of the State - Jesuits, clergy, etc."
74.	1861-PS	63	Law regulating National Labor, 1934 RGBl, I, 45.
75.	1893-PS	2,3,4,5,6,7, 8,9,10,11,14, 15,21	Organization Book of the NSDAP, 1943 Edition, p. 19, 24, 50A-51, 98, 120, 136.
76.	1913-PS	65	Agreement between Sauckel and Ley, 1943 RGBl, I, 588.
77.	1914-PS	28	Statutes, regulations, publications, 1st part, 1943 Edition, pp. 318-319, published by Central Publishing House of the NSDAP.
78.	1915-PS	20,21	Decree of 4 February 1938, 1938 RGBl, I, 111.
79.	1939-PS	66	Forge of the Sword, speech by Ley, pp. 14-17.
80.	1940-PS	63	Voelkischer Beobachter, Munich (Southern German) Edition, Fuehrer edict appointing Ley leader of German Labor Front, p. 1.
81.	1961-PS	22	Decision of the Greater German Reichstag, 26 April 1942, 1942 RGBl, I, 247.
82.	1964-PS	23	1942 RGBl, I, 535.
83.	2000-PS	24	Law for the protection of German Blood and Honor, 15 September 1935, 1935 RGBl, I, 1146.
84.	2001-PS	15	Law for the Protection of the People and the Reich, 23 March 1933, 1933 RGBl, I, 141.
85.	2003-PS	18	Decree of 1 August 1934, decree merging offices of Reich President and Reich Chancellor, 1934 RGBl, I, 747.

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	Doc. No.	Page No.	Description of Document
88.	2016-PS	23	Order concerning the jurisdiction of SS courts and Police courts in the Protectorate Bohemia and Moravia, 1942 RGBl, I, p. 475.
89.	2057-PS	18	Decree of 2 July 1934, 1934 RGBl, I, 529.
90.	2079-PS	20	Law of 15 September 1935, 1935 RGBl, I, 1145.
91.	2100-PS	22	Decree on the position of the leader of the Party Chancellery, 1942 RGBl, I, 35.
92.	2118-PS	27	Police decree of Identification of Jews, 1 September 1941, 1941 RGBl, I, 547.
93.	2120-PS	25	Law on Passports of Jews, 5 October 1938, 1938 RGBl, I, 1342.
94.	2224-PS	60,63	National Socialist Party Press Service release, 2 May 1933, p. 1.
95.	2225-PS	61	National Socialist Party Press Service release, 3 May 1933, p. 1.
96.	2230-PS	65	Organization Book of the NSDAP, 1938 Edition, agreement between Ley and Lutze, pp. 484-486c.
97.	2233-PS	38	Copy of Diary of Hans Frank, 15 September 1939 to 3 April 1945.
98.	2270-PS	64	National Socialist Party Press Service release, 16 May 1933, pp. 1-2.
99.	2271-PS	64	Organization Book of the NSDAP, 1936 Edition, Organization of German Labor Front, p. 185.
100.	2283-PS	29,59, 60	Voelkischer Beobachter, Munich (Southern German) Edition, speech of Ley, 14 September 1936, p. 11.
101.	2325-PS	19	Decree in execution of Art. 118 of the German Municipal Order, 26 March 1935, 1935 RGBl, I, 470.
102.	2336-PS	64	German Labor Front, Special Circular on Sabotage, 27 June 1933.
103.	2349-PS	48	Quotations from Rosenberg's Der Mythus Des 20 Jahr-hundert.
104.	2473-PS	3,4,16, 28,32,66	National Socialist Year Book, 1943 Edition.
105.	2474-PS	12,19,22	Directive of 25 October 1934, Decrees of the Deputy of the Fuehrer, p. 67.
106.	2660-PS	8	Der Hoheitstrager, second issue, 3rd year, February 1939, "Distribution Plan for Gaue, Kreise, and Ortsgruppen.
107.	2958-PS	12	Der Hoheitstrager, issue 8, 1939, p. 10.

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	Doc. No.	Page No.	Description of Document
108.	R-36	38	Copy of memorandum to Rosenberg, 19 August 1942, re Bormann letter of 23 July 1942, prepared by an official in the Rosenberg Ministry.
109.	R-101 a b c d	54	RSHA correspondence, dated between 5 April 1940 and 30 April 1942, relating to confiscation of Church property, four letters.
110.	R-112	40	Decrees of the Reich Commissioner for the Consolidation of German nationhood, February and July 1942.
111.	R-114	41	Memoranda of conferences between Gauleiter and SS and police officials, 7 and 18 August 1942.

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II. LIST OF DOCUMENTS BY INDIVIDUAL DEFENDANTS INVOLVED

BORMANN

D-75; L-221; 057-PS, 064-PS, 070-PS, 071-PS, 072-PS, 089-PS, 098-PS, 100-PS, 101-PS, 116-PS, 122-PS, 327-PS, 656-PS, 640-PS; R-36

FRANK

2233-PS

GOERING

L-221; 141-PS, 144-PS, 1015-i-PS, 1118-PS

HESS

004-PS, 1395-PS, 2474-PS

KEITEL

L-221; 137-PS

ROSENBERG

L-221; 004-PS, 064-PS, 070-PS, 071-PS, 072-PS, 089-PS, 090-PS, 098-PS, 100-PS, 101-PS, 116-PS, 122-PS, 145-PS, 327-PS, 1015-i-PS, 1058-PS, 1118-PS, 1517-PS, 2349-PS; R-36

SAUCKEL

407-PS, 1913-PS

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SECTION OF INDICTMENT

COUNT ONE, IV (H), SENTENCE 2:

"....Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count One of the Indictment."

APPENDIX B:

"Statement of Criminality of Groups and Organizations

The statements hereinafter set forth, following the name of each Group or Organization named in the Indictment as one which should be declared criminal, constitute matters upon which the prosecution will rely inter alia as establishing the criminality of the Group or Organization:

. . . . . .

DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY)

"Das Korps der Politischen Leiter der Nationalsozialistischen Deutschen Arbeiterpartei (Leadership Corps of the Nazi Party)" referred to in the Indictment consists of persons who were at any time, according to common Nazi terminology, "Politischer Leiter" (Political Leaders) of any grade or rank.

The Politischen Leiter comprised the leaders of the various functional offices of the Party (for example, the Reichsleitung, or Party Reich Directorate, and the Gauleitung, or Party Gau Directorate), as well as the territorial leaders of the Party (for example, the Gauleiter).

The Politischen Leiter were a distinctive and elite group within the Nazi Party proper and as such were vested with special prerogatives. They were organized according to the leadership principle and were charged with planning, developing and imposing upon their followers the policies of the Nazi Party. Thus the territorial leaders among them were called Hoheitsträger, or bearers of sovereignty, and were entitled to call upon and utilize the various Party formations when necessary for the execution of Party policies.

Reference is hereby made to the allegations in Count One of the Indictment showing that the Nazi Party was the central core of the common plan or conspiracy therein set forth. The Politischen Leiter, as a major power within the Nazi Party proper, joined in the common plan or conspiracy, and accordingly share responsibility for the crimes set forth in Counts One, Two, Three and Four of the Indictment.

The prosecution expressly reserves the right to request, at any time before sentence is pronounced, that Politischer Leiter of subordinate grades or ranks or of other types or classes, to be specified by the prosecution, be excepted from further proceedings or actions against them."

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LEGAL REFERENCES

CHARTER OF INTERNATIONAL MILITARY TRIBUNAL

Article 6 (a), (b), & (c)

Article 6.

"The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

"The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity;

(c) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

"Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan."

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Article 9.

"At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

"After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard."

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OPENING STATEMENT

The evidence marshalled and hereinafter set forth in the Statement of Evidence is offered in demonstration and proof of the criminality of the Leadership Corps of the Nazi Party as a Group or Organization.

The evidence will show that the Leadership Corps was a distinctive and identifiable Organization within the meaning of that term as used in Article 9 of the Charter, comprising the main leaders of the Nazi Party: Hitler, the central staff of Party leaders under the Fuehrer, known as the Reichsleitung (Reich Party Directorate), and a hierarchy of Politischer Leiter (Political Leaders) organized upon a territorial basis, to wit, the Gauleiter, Kreisleiter, Ortsgruppenleiter, Zellenleiter, and Blockleiter (all hereinafter defined), as well as the principal staff officers of each of these. It will be further shown thatthe Politischer Leiter were an inner elite of the Party, constituted its driving force, possessed special prerogatives, viewed the Party program (certain points of which constituted the essential elements of the Master Plan) as dogma and political commandment, were under an oath of absolute obedience to Hitler, and were charged with developing and imposing upon their followers and the German people the policies of the Nazi Party and the co-conspirators.

The evidence set forth elsewhere in the Master Trial Brief, together with that presented in the instant Brief, will show that the Politischer Leiter participated as leaders, organizers and instigators in the various measures taken by the Nazi conspirators, including terror and formal legality, to seize totalitarian control in Germany.

Having seized totalitarian control, it will next be shown that the Party and the Leadership Corps steadily extended their control over the German State and Government, by combining State and Party offices in the same Politischer Leiter, by repressing all opposition to the Party by State action, by the suppression or Nazification of all organized bodies which might challenge the Party's authority, by empowering top members of the Leadership Corps (e.g., Hess and Bormann) to participate in the legislative process and in the appointment of governmental officials. On the basis of this demonstrated domination of State by Party, the submission is then made that the Leadership Corps shares responsibility for, among other enactments and measures taken by the German State and Government in execution of the Conspiracy, a large body of anti-Semitic and discriminatory laws.

Evidence presented elsewhere in the Master Trial Brief together with that hereinafter recited will show that the Leadership Corps, together with the co-conspirators and the Party formations and agencies participated in the formulation and carrying out of the Common Plan or Conspiracy which embraced, as will be shown, the participation and direct employment of the Politischer Leiter in the commission of Crimes against Peace, Crimes against Humanity and War Crimes, as defined in the Charter. In particular, and by way of illustration and pointing up the participation of the Leadership Corps in measures furthering the Conspiracy, the illegal conduct of this organization will be elaborated and emphasized by the assemby of evidence relating to: (1) the persecution of the Christian Churches, (2) the destruction of the independent unions, and (3)the plundering and looting, by the "Einsatzstab Rosenberg," of public and private property in German-occupied Europe.

Finally, it will be submitted that responsibility for the Conspiracy and the substantive crimes contemplated and embraced in its execution, is anchored in the Leadership Corps of the Nazi Party, whose criminality is established by the evidence hereinafter presented in combination with the proofs elsewhere offered in the Master Trial Brief.

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TRIAL BRIEF

STATEMENT OF EVIDENCE

CRIMINALITY OF DAS KORPS DER POLITISCHEN LEITER DER NATIONAL-SOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY)

I. COMPOSITION, FUNCTIONS AND POWERS OF THE LEADERSHIP CORPS OF THE NAZI PARTY.

A. The Leadership Corps comprised the sum of the officials of the Nazi Party: it included the Fuehrer, the five categories of leaders in charge of areas (who were called HOHEITSTRAGER or "Bearers of Sovereignty") and the leaders of the various functional offices of the Party organized on a regional and vertical basis, to wit: the Party officials in charge of the offices and departments of the Reichsleitung (Party Reich Directorate), the Gauleitung (Party Gau Directorate), the Kreisleitung (Party Kreis Directorate), etc.

1893-PS. Organization Book of the NSDAP, 1943 Edition, pp. 19, 24, 50A-51, 98, 120, 136.

1814-PS. Organization Book of the NSDAP, Editions of 1936, 1938 and 1940, pp. 86-88.

B. Organized upon a hierarchical basis, forming a pyramidal structure, the principal Political Leaders were:

Fuehrer
Reichsleiter (Reich Leaders)
Gauleiter (District Leaders)
Kreisleiter (County Leaders)
Ortsgruppenleiter (Local Chapter Leaders)
Zellenleiter (Cell Leaders)
Blockleiter (Block Leaders)

1893-PS. Ibid., p. 98.

1814-PS. Ibid., pp. 86-88.

1. The Reichsleiter (Reich Leaders)

The Reichsleiter constituted the Reich Leaders of the Leadership Corps of the Nazi Party, and together they constituted the Reichsleitung, or Party Reich Directorate. Through the Reichsleiter, coordination of Party and State machinery was guaranteed, as stated by the Party Manual:

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"In the Reichsleitung the arteries of the organization of the German people and the German State merge."

1893-PS. Organization Book of the NSDAP, 1943 Edition, pp. 148-149.

The Reichsleiter of the Party were, next to the Fuehrer, the highest office holders within the Party hierarchy; each of them had a specific title and was in charge of at least one office withinn the Reichsleitung. In addition, many of them carried major responsibilities as Heads of Party Formations, of affiliated associations of the Party, of supervised or otherwise controlled organizations of the Party or of governmental agencies, even including ministerial positions.

1893-PS. Ibid., pp. 148-149.

2473-PS. National Socialist Year Book, 1943 Edition, p. 170.

The National Socialist Year Book, 1943, lists the following Reichsleiter:

Max Amann	Reichsleiter for the Press
Martin Bormann	Chief of the Party Chancery
Phillipp Bouhler	Chief of the Chancery of the Fuehrer of the NSDAP. Chairman of the official Party Investigation Commission for the Protection of National Socialist Writings
Walter Darre	On leave
Otto Dietrich	Reich Press Chief of the NSDAP
Franz von Epp	Chief of the Kolonialpolitischen amtes
Karl Fiehler	Chief of the Main Office for Municipal Politics
Wilhelm Frick	Leader of the National Socialist "faction" in the Reichstag
Joseph Goebbels	Reich Propaganda Leader of the NSDAP
Konstantin Hierl	Leader of the Reich Labor
Heinrich Himmler	Reich Leader of the SS. The Deputy of the NSDAP for all questions of Germandom

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Robert Ley	Reich Organization Leader of the NSDAP. Leader of the German Labor Front
Victor Lutze	Chief of Staff of the SA
Alfred Rosenberg	Representative of the Fuehrer for the supervision of all mental and ideological training and education of the NSDAP
Baldur von Schirach	Reich Leader for the Education of Youth of the NSDAP
Franz Xaver Schwarz	Reich Treasurer of the NSDAP

2473-PS. National Socialist Year Book, 1943 Edition, p. 170.

With respect to the function and responsibilities of the Reichsleiter, the Organization Book of the NSDAP states as follows:

> "The NSDAP represents the political conception, the political conscience, and the political will of the German nation. Political conception, political conscience, and political will are embodied in the person of the Fuehrer. Based on his directives and in accordance with the program of the NSDAP, the organs of the Reich Directorate directionally determine the political aims of the German people. It is in the Reich Directorate that the arteries of the organization of the German people and the State merge....It is the task of the separate organs of the Reich Directorate to maintain as close a contact as possible with the life of the nation through their sub-offices in the Gaue....
>
> The structure of the Reich Directorate is thus that the channel from the lowest Party office upwards shows the most minute weaknesses and changes in the mood of the people....
>
> Another essential task of the Reich Directorate is to assure a good selection of leaders. It is the duty of the Reich Directorate to see that there is leadership in all phases of life, a leadership which is firmly tied to National Socialist ideology and which promotes its dissemination with all its energy.....
>
> ....It is the supreme task of the Reich Organization Leader to preserve the Party as a well-sharpened sword for the Fuehrer." (underlining supplied)

1893-PS. Organization Book of the NSDAP, 1943 Edition, pp. 148-149.

2. The Gauleiter (District Leaders)

Vertically, the Nazi Party was subdivided into major regions, Gaue, which, in turn, were subdivided into Kreise (counties), Ortsgruppen (Local Chapters), Zellen (Cells), and Blocke (Blocks). The Gauleiter was the Political Leader of the Gau or District.

1893-PS. Ibid., pp. 136, 140E.

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"The Gauleiter have the political leadership of a designated sector of the Reich....The Gau represents the concentration of a number of Party countics...The Gauleiter is directly subordinate to the Fuehrer...The Gauleiter bears the over-all responsibility to the Fuehrer for the sector of sovereignty entrusted to him."

1893-PS. Organization Book of the NSDAP, 1943 Edition, p. 136.

The Gauleiter's main functions include the following: to rule over the Party proper in the Gau; to supervise and direct the activities of the affiliated and supervised Party organizations in the Gau; and to extend the influence of the Party over people and life in his Gau generally.

1893-PS. Ibid., pp. 136-141.

3. The Kreisleiter (County Leaders)

The Kreisleiter is directly subordinate to the Gauleiter in the Party hierarchy. He is directly responsible to the Gauleiter and is nominated by the Fuehrer. The Kreisleiter, within the Kreis, has the same position, powers, and prerogatives granted the Gauleiter in the Gau. In cities they constituted the very core of Party power and organization.

1893-PS. Ibid., pp. 131-134.

As stated by the Party Manual:

"The Kreisleiter carries over-all responsibility towards the Gauleiter within his zone of sovereignty for the political and ideological training and organization of the Political Leaders, the Party Members, as well as the population."

1893-PS. Ibid., pp. 132-134.

4. The Ortsgruppenleiter (Local Chapter Leaders)

The area of the Ortsgruppenleiter comprised one or more communes or, in a town, a certain district. The leaders of the affiliated organization within his area are subordinate to the Ortsgruppenleiter. The Ortsgruppenleiter was directly under and subordinate to the Kreisleiter.

1893-PS. Ibid., pp. 116, 119, 119A.

The Party Manual makes the following provision with reference to the Ortsgruppenleiter:

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"As Hoheitstrager (Bearers of Sovereignty) all expressions of the Party will emanate from the Ortsgruppenleiter; he is responsible for the political and ideological leadership and organization within his zone of sovereignty.

The Ortsgruppenleiter carries the over-all responsibility for the political results of all measures initiated by the offices, organizations, and affiliated associations of the Party....The Ortsgruppenleiter has the right to protest to the Kreisleiter against any measures contrary to the interests of the Party with regard to an outside political appearance in public."

1893-PS. Organization Book of the NSDAP, 1943 Edition, p. 120.

5. The Zellenleiter (Cell Leaders)

The Zellenleiter was responsible for four to eight blocks. He was the immediate superior of and had control over the Blockleiter (Block Leader). His mission and duties, according to the Party Manual, corresponded to the missions of the Blockleiter.

1893-PS. Ibid., pp. 110, 112.

6. The Blockleiter (Block Leaders)

The Blockleiter was the one Party official who was peculiarly in a position to have continuous contact with the German people. The block was the lowest unit in the Party pyramidal organization. The block of the Party comprised 40 to 60 households; and was regarded by the Party as the focal point upon which to press the weight of its propaganda.

1893-PS. Ibid., pp. 99-110.

As stated in the Party Manual:

"The household is the basic community upon which the block and cell system is built. The household is the organizational focal point of all Germans united in an apartment and includes roomers, domestic help, etc....The Blockleiter has jurisdiction over all matters within his zone relating to the Movement and is fully responsible to the Zellenleiter...."

1893-PS. Ibid., pp. 99-100.

The Blockleiter, as in the case of other Political Leaders, was charged with planning, disseminating, and developing a receptivity to the policies of the Nazi Party among the population in his area of responsibility. It was also the expressed duty of the Blockleiter to spy upon the population.

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"It is the duty of the Blockleiter to find people disseminating damaging rumors and to report them to the Ortsgruppe so that they may be reported to the respective State authorities."

The Blockleiter must not only be preacher and defender of the National Socialist ideology towards the members of nation and Party entrusted to his political care, but he must also strive to achieve practical collaboration of the Party Members within his block Zone...

The Blockleiter shall continuously remind the Party Members of their particular duties towards the people and the State...The Blockleiter keeps a list (card file) about the households...In principle, the Blockleiter will settle his official business verbally and he will receive messages verbally and pass them on in the same way. Correspondence will only be used in cases of absolute necessity....The Blockleiter conducts National Socialist propaganda from mouth to mouth. He will eventually awaken the understanding of the eternally dissatisfied as regards the frequently misunderstood or wrongly interpreted measures and laws of the National Socialist Government....It is not necessary for him to fall in with complaints and gripes about possibly obvious shortcomings of any kind in order to demonstrate...solidarity...A condition to gain the confidence of all people is to maintain absolute secrecy in all matters."

1893-PS. Organization Book of the NSDAP, 1943 Edition, pp. 101-104.

C. Within the Leadership Corps of the Nazi Party, certain of the Political Leaders possessed a higher degree of responsibility than others, were vested with special prerogatives,and constituted a distinctive and elite group within the Party hierarchy. These were the so-called "Hoheitstrager" (Bearers of Sovereignty) who represented the Party within their area of jurisdiction, the so-called Hoheitsgebiet.

"Among the Political Leaders, the Hoheitstrager assumed a special position. Contrary to the other Political Leaders who have departmental missions, the Hoheitstrager themselves are in charge of a geographical sector known as the Hoheitsgebiet, (Sectors of Sovereignty).

Hoheitstrager are:

The Fuehrer
The Gauleiter
The Kreisleiter
The Ortsgruppenleiter
The Zellenleiter
The Blockleiter

Hoheitsgebiet are:

The Reich
The Gau
The Kreis

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The Ortsgruppe
The Zelle
The Block

Within their sector of sovereignty the Hoheitstrager have sovereign political rights. They represent the Party within their sector. The Hoheitstrager supervise all Party officers within their jurisdiction and... are responsible for the maintenance of discipline... The directors of offices, etc., and of the affiliated organizations are responsible to their respective Hoheitstrager as regards their special missions... The Hoheitstrager are superior to all Political Leaders, managers, etc., within their sector. As regards personal considerations, Hoheitstrager...are endowed with special rights.

The Hoheitstrager of the Party are not to be administrative officials...but are to move in a continuous vital contact with the Political Leaders of the population within their sector. The Hoheitstrager are responsible for the proper and good supervision of all members of the nation within their sector....

The Party intends to achieve a state of affairs in which the individual German will find his way to the Party..."

1893-PS. Organization Book of the NSDAP, 1943 Edition, p. 98.

The distinctive character of the POLITISCHER LEITER (Political Leaders) constituting the HOHEITSTRAGER and their existence and operation as an identifiable group are indicated by the publication of a magazine, entitled Der Hoheitstrager, whose distribution was limited, by regulation of the Reich Organization Leader, to the HOHEITSTRAGER and certain other designated POLITISCHER LEITER (Political Leaders).

Upon the inside cover of this magazine it is stated:

"DER HOHEITSTRAGER, the contents of which is to be handled confidentially, serves only for the orientation of the competent leaders. It may not be loaned out to other persons....(then follows a list of the Hoheitstrager and other Political Leaders authorized to receive the magazine)"

The magazine states that, in addition, the following were entitled to receive it:

"Commandants, Unit Commanders and Candidates of Order Castles; the Reich, Shock Troop and Gaue Speakers of the NSDAP; the Lieutenant Generals and Major Generals of SA, SS, NSFK, and NSKK; Lieutenant Generals and Major Generals of the HJ."

2660-PS. Der Hoheitstrager, 2nd Issue, 3rd Year, February 1939. "Distribution Plan for Gaue, Kreise and Ortsgruppen."

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D. The Political Leaders were organized according to the leadership principle.

1. The Party Manual states as follows:

"The basis of the Party organization is the Fuehrer thought. The public is unable to rule itself either directly or indirectly...All Political Leaders stand as appointed by the Fuehrer and are responsible to him. They possess full authority toward the lower echelons...Only a man who has absorbed the school of subordinate functions within the Party has a claim to the higher Fuehrer offices. We can only use Fuehrers who have served from the ground up. Any Political Leader who does not conform to these principles is to be dismissed or to be sent back to the lower offices, as Blockleiter, Zellenleiter, for further training...

The Political Leader is not an office worker but the Political Deputy of the Fuehrer...Within the Political Leadership, we are building the Political Leadership of the State...The type of the Political Leader is not characterized by the office which he represents. There is no such thing as a Political Leader of the NSBO, etc., but there is only the Political Leader of the NSDAP." (underlining supplied)

1893-PS. Organization Book of the NSDAP, 1943 Edition, pp. 14-15.

2. Each Political Leader was sworn in yearly. According to the Party Manual, the wording of the oath was as follows:

"I pledge eternal allegiance to Adolf Hitler. I pledge unconditional obedience to him and the Fuehrers appointed by him."

The Party Manual also provides that

"The Political Leader is inseparably tied to the ideology and the organization of the NSDAP. His oath only ends with his death or with his expulsion from the National Socialist community."

1893-PS. Ibid., p. 16.

3. Appointment of Political Leaders

The Fuehrer appointed the following Political Leaders:

a. All Reichsleiter and all Political Leaders within the Reichsleitung (Reich Party Directorate), including women's leaders.

b. All Gauleiter, including the Political Leaders holding offices in the Gauleitung (Gau Party Directorate), including Gau women's leaders.

c. All Kreisleiter.

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The Gauleiter appointed:

a. The Political Leaders and women's leaders within the Gau Party Directorate.

b. The Political Leaders and directors of women's leagues in the Kreis Party Directorate.

c. All Ortsgruppenleiter.

E. The Hoheitstrager among the Leadership Corps were entitled to call upon and utilize the various Party Formations as necessary for the execution of Nazi Party policies.

1. The Party Manual provides as follows, with respect to the power and authority of the Hoheitstrager to requisition the services of the SA:

> "The Hoheitstrager is responsible for the entire political appearance of the Movement within his zone. The SA leader of that zone is tied to the directives of the Hoheitstrager in that respect.
>
> The Hoheitstrager is the ranking representative of the Party to include all organizations within his zone. He may requisition the SA located within his zone from the respective SA leader if they are needed for the execution of a political mission. The Hoheitstrager will then assign the mission to the SA...
>
> Should the Hoheitstrager need more SA for the execution of political mission than is locally available, he then applies to the next higher office of sovereignty which, in turn, requests the SA from the SA office in his sector."

1893-PS. Organization Book of the NSDAP, 1943 Edition, p. 71.

2. According to the Party Manual, the Hoheitstrager had the same authority to call upon the services of the SS and NSKK as they possessed with respect to the SA.

1893-PS. Ibid., p. 75.

3. With respect to the authority of the Hoheitstrager to call upon the services of the Hitler Youth (HJ), the Party Manual provides as follows:

> "The Political Leader has the right to requisition the HJ in the same manner as the SA for the execution of a political action.
>
> In appointing leaders of the HJ and the DJ, the office of the HJ must procure the approval of the Hoheitstrager

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of his zone. This means that the Hoheitstrager can prevent the appointment of leaders unsuited for the leadership of youth. If his approval has not been procured, an appointment may be cancelled if he so requests."

1893-PS. Organization Book of the NSDAP, 1943 Edition, p. 76.

4. An example of the use of the Party Formations at the call of the Leadership Corps of the Party is provided by the action taken by the Reichsleiter for Party Organization of the NSDAP, Dr. Robert Ley, leading to the deliberate dissolution of the Free Trade Unions on 2 May 1933. In a circular letter dated 21 April 1933 Reichsleiter Ley directed the employment of the SA and the SS in the occupation of trade union properties and for taking trade union leaders into protective custody.

In the above letter Ley directed as follows:

"SA as well as SS are to be employed for the occupation of trade union properties and for the taking of personalities who come into question into protective custody.

The Gauleiter (i.e. Regional Director) is to proceed with his measures on a basis of the closest understanding with competent Regional Factory Cells Director...

The following had to be taken into protective custody:

All Trade Union Chairmen; the District Secretaries and the Branch Directors of the 'Bank for Workers, Employees and Officials, Inc.'"

392-PS. Circular letter of Reichsleiter Ley, 21 April 1933, Social Life in New Germany, pp. 51-52.

5. A directive issued by Rudolph Hess, Deputy of the Fuehrer, dated 25 October 1934, provided, in part, as follows:

"The political leadership within the Party and its political representation towards all offices, State or others, which are outside of the Party, lie solely and exclusively with the Hoheitstrager (Bearers of Sovereignty), which is to say with me, the Gauleiter, Kreisleiter, and Ortsgruppenleiter....

The departmental workers of the Party organization, as well as Reichsleiter, office directors, etc., as well as the leaders of the SA, SS, HJ, and the subordinate affiliations, may not enter into binding agreements of a political nature with State and other offices except when so authorized by their Hoheitstrager.

In places where the territories of the units of the SA, SS, HJ, and the subordinate affiliations do not coincide with the zones of the Hoheitstrager, the Hoheitstrager

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will give his political directives to the ranking leader of each unit within his zone of sovereighty."

2474-PS. Directives of the Deputy of the Fuehrer, 25 October 1934, Decrees of the Deputy of the Fuehrer, p. 67, Edition of 1937.

6. In a directive dated 26 June 1935, issued by Reichsleiter Bormann, Chief of Staff of the Deputy of the Fuehrer, it was laid down as follows:

"In order to effect a closer contact between the offices of the Party and its organizations with the Directors of the Secret State Police (Gestapo), the Deputy of the Fuehrer requests that the Directors of the Gestapo be invited to attend all of the larger official rallies of the Party and its organization."

2474-PS. Decrees of the Deputy of the Fuehrer, Directive of 26 June 1935, Edition of 1937, p. 143.

F. Statistics relating to the Leadership Corps of the Nazi Party.

In 1939, there were:

40 Gaue and 1 Foreign Organization Gau	each led by a Gauleiter
808 Kreise	" " " " Kreisleiter
28,376 Ortsgruppen	" " " " Ortsgruppenleiter
89,378 Zellen	" " " " Zellenleiter
463,048 Blocke	" " " " Blockleiter

2958-PS. Der Hoheitstrager, Issue 8, 1939, ;. 10.

II. RESPONSIBILITY OF THE LEADERSHIP CORPS FOR THE CONSPIRACY.

Note: The evidence relating to the responsibility of the Nazi Party and the co-conspirators as the central core of the Conspiracy is set forth elsewhere in the Master Trial Brief. The following evidence is offered to prove the responsibility of the Leadership Corps of the Nazi Party for participation in the Conspiracy.

The Leadership Corps of the Nazi Party joined and participated in the common plan or conspiracy.

... The Program of the Nazi Party, proclaimed by Hitler, the Fuehrer of the Leadership Corps, on 24 February 1920, contained the chief elements of the Nazi plan for domination and conquest:

1. Incorporation of all Germans into a Greater German Reich.

"We demand the unification of all Germans in the Greater Germany on the basis of the right of self-determination of peoples."

1708-PS. The Program of the NSDAP, Point 1.

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2. Unilateral abolition of the Peace Treaties of Versailles and St. Germain.

"We demand equality of rights for the German people in respect to the other nations; abrogation of the Peace Treaties of Versailles and St. Germain."

1708-PS. The Program of the NSDAP, Point 2.

3. Demand for "land and soil" (colonies).

"We demand land and territory (colonies) for the sustenance of our people, and colonization for our surplus population."

1708-PS. Ibid., Point 3.

4. Racial Discrimination and anti-Semitism.

"Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of confession. Consequently, no Jew can be a member of the race."

1708-PS. Ibid., Point 4.

5. Fight against the democratic-parliamentary system.

"...We demand that every public office, of any sort whatsoever, whether in the Reich, the county or municipality, be filled only by citizens. We combat the corrupting parliamentary economy, office-holding only according to Party inclinations without consideration of character or abilities."

1708-PS. Ibid., Point 6.

6. Rearmament.

"We demand the abolition of the mercenary troops and formation of a National Army."

1708-PS. Ibid., Point 22.

7. The official Party Program declares on its face that:

"The program is the political foundation of the NSDAP and accordingly the primary political law of the State...

All legal precepts are to be applied in the spirit of the Party Program.

Since the taking over of control, the Fuehrer has succeeded in the realization of the essential portions of the Party Program from the fundamentals to the details.

The Party Program of the NSDAP was proclaimed on 24 February 1920 by Adolf Hitler at the first large Party gathering in Munich and since that day has remained unaltered....The National Socialist philosophy is summarized in 25 points."

1708-PS. Ibid., Page 1.

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8. As shown in Part I of this Brief, the Party Program was binding upon the Political Leaders of the Leadership Corps, and they were under a duty to support and carry out that Program.

The Party Manual states:

"The Commandments of the National Socialists;

The Fuehrer is always right....
The Program be your dogma.
It demands your utter devotion to the Movement....
Right is what serves the Movement and thus Germany."

1893-PS. Organization Book of the NSDAP, 1943 Edition, p. 17.

"....Leader Corps is responsible for the complete penetration of the German Nation with the National Socialist spirit..."

1893-PS. Ibid., p. 13.

The oath of the Political Leader to Hitler has been set forth in Part I, supra. In connection therewith, the Party Manual provides:

"The Political Leader is inseparably tied to the ideology and the organization of the NSDAP. His oath only ends with his death or with his expulsion from the National Socialist community."

1893-PS. Ibid., p. 16.

BB. While the "leadership principle" assured the binding nature of Hitler's statements, program and policies upon the entire Party and the Leadership Corps thereof, the same principle established the full responsibility of the individual Political Leader within the province and jurisdiction of his office or position.

Note: For evidence relating to the use of the "leadership principle" as a doctrinal technique in furthering the Conspiracy, see elsewhere in the Master Trial Brief. For evidence as to the application of the principle to the Leadership Corps, see Part I of this Trial Brief. The salient points supporting proposition B, above, are:

1. The leadership principle applied not only to Hitler as the supreme leader, but also to the Political Leaders under him and thus permeated the entire Leadership Corps.

"The basis of the Party Organization is the Fuehrer thought... All Political Leaders stand as appointed by the Fuehrer and are responsible to him. They possess full authority toward the lower echelons..."

1893-PS. Ibid., p. 14.

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2. The various Hoheitstrager of the Leadership Corps were, in their respective areas of responsibility, themselves Fuehrer.

> "Within their sector of sovereignty, the Hoheitstrager (Gauleiter, Kreisleiter, Ortsgruppenleiter, Zellenleiter, Blockleiter) have sovereign political rights...They are responsible for the entire political situation within their sector..."
>
> 1893-PS. Organization Book of the NSDAP, 1943 Edition, p. 98.
>
> "The Party is an order of 'Fuehrers'...A solid anchorage for all the organizations within the Party structure is provided and a firm connection with the sovereign leaders of the NSDAP is created in accordance with the Fuehrer Principle."
>
> 1814-PS. Organization Book of the NSDAP, Editions of 1936, 1938, 1940, pp. 86-88.

C. In furtherance of the Conspiracy, the co-conspirators, the Nazi Party and the Leadership Corps of the NSDAP, using illegal and terroristic methods, overthrew the democratic-parliamentary German Government, eliminated all opposition and established totalitarian control over Germany.

> Note: For evidence supporting the above proposition, see the appropriate sections of the Master Trial Brief dealing with the acquisition and establishment of totalitarian control over Germany.

D. The Nazi Party, directed by the Leadership Corps, dominated and controlled the German State and Government.

1. On 23 March 1933, the Reichstag enacted a law conferring power on the cabinet to legislate on its own authority.

> 2001-PS. Law for the Protection of the People and the Reich, 23 March 1933, 1933 RGBl, I, 141.

The section of the Master Trial Brief dealing with the criminality of the Reich Cabinet sets forth the evidence as to the identity of various ministers comprising the Cabinet. This evidence will show that prominent members of the Leadership Corps of the Nazi Party were members of the Reich Cabinet. The presence of Reichsleiter and other prominent members of the Leadership Corps in the Cabinet facilitated the domination of the Cabinet by the Nazi Party and the Leadership Corps. For example, a decree of

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13 March 1933 established the Ministry of Public Enlightenment and Propaganda. The head of this ministry was Goebbels, who simultaneously was Reichsleiter for Propaganda of the NSDAP. Examples of personal union between high officials in the Leadership Corps and Cabinet membership existed in the case of the Food Minister, the Chief of the German Police, the Reich Labor Leader, the Chief of the Party Organization in Foreign Countries, and the Reich Youth Fuehrer. Moreover, the majority of the Reich Ministries were occupied by leading old Party Members. All Reich Ministers were accepted by the Party on 30 January 1937 and were decorated with the Golden Party Insignia.

2029-PS. Decree creating Ministry of Propaganda, 1933 RGBl, I, 104.

2473-PS. National Socialist Year Book, 1943 Edition, p. 170.

1774-PS. "Verfassungsrecht des Grossdeutschen Reiches", Ernst Rudolf Huber, para. 19, et seq.

2. A law of 7 April 1933 was enacted which provided for the dismissal of all Jews or others of non-Aryan descent employed by national, State, and municipal or other public bodies under thee control or supervision of governmental authorities.

1397-PS. Law for the Reestablishment of the Professional Civil Service, 7 April 1933, 1933 RGBl, I, 175.

3. A law of 14 July 1933 outlawed and forbade the formation of any political parties other than the Nazi Party and made offenses against this interdict a punishable crime, thereby establishing the one-party State. This law reads in pertinent part:

> "The National Socialist German Workers' Party constitutes the only political party in Germany. Whoever undertakes to maintain the organizational structure of another political party or to form a new political party will be puhished with penal servitude up to three years or with imprisonment of from six months to three years, if the deed is not subject to a greater penalty according to other regulations."

1388-PS. Law against the Formation of New Political Parties, 1933 RGBl, I, 479.

4. A law was enacted on 20 July 1933 providing for the dismissal of officials who belonged to the Communist Party or who

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were otherwise active in furthering the aims of Communism. The law also provided for the dismissal of those who were in the future active for Marxism, Communism or Social Democracy.

1398-PS. Law to supplement the law for the Restoration of the Professional Civil Service, 1933 RGBl, I, 582.

5. On 13 October 1933 a "law to guarantee public peace" was enacted which provided, inter alia, that severe punishment should be imposed upon any person who "...undertakes to kill a member of the SA or the SS, a trustee or agent of the NSDAP.... out of political motives or on account of their official activity."

1394-PS. Law of 13 October 1933, 1933 RGBl, I, 723.

6. On 1 December 1933 a law was enacted "to secure the unity of Party and State." This law provided that the Nazi Party was the pillar of the German State, and was linked to it indissolubly; it also made the Deputy of the Fuehrer (then Hess) and the Chief of Staff of the SA (then Rohm) members of the Reich Cabinet. This law provides in pertinent part:

> "After the victory of the National Socialist Revolution, the National Socialistic German Labor Party is the bearer of the concept of the German State and is inseparably the State. It will be a part of the public law. Its organization will be determined by the Fuehrer....
>
> The Deputy of the Fuehrer and the Chief of Staff of the SA will become members of the Reich Government in order to insure close cooperation of the offices of the Party and SA with the public authorities....
>
> The public authorities have to grant legal and administrative assistance to the offices of the Party and the SA...." (underlining supplied)

1395-PS. Law on Securing the Unity of Party and State, 1 December 1933, 1933 RGBl, I, 1016.

7. On 30 June 1934 Hitler, as Head of the Nazi Party, directed the massacre of hundreds of SA-men and other political opponents. Hitler sought to justify these mass murders by declaring to the Reichstag that "at that hour I was responsible for the fate of the German nation and supreme judge of the German people."

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For evidence relating to these matters, see the section of the Master Trial Brief relating to the criminality of the SA and to the participation of the defendants and co-conspirators in efforts to achieve totalitarian control in furtherance of the Conspiracy.

On 2 July 1934 the Cabinet issued a decree describing the murders and massacre of 30 June 1934 as "legitimate, self-defense by the state."

2057-PS. Decree of 2 July 1934, 1934 RGBl, I, 529.

8. On 12 July 1934, there was enacted a law defining the function of the Academy for German Law. The law provided, in pertinent part, as follows:

> "Closely connected with the agencies competent for legislation, it (the Academy) shall further the realization of the National Socialist program in the realm of the law."

1391-PS. 1934 RGBl, I, 605-607.

9. On 30 January 1933, the Leader of the Nazi Party and Fuehrer of the Leadership Corps thereof was appointed Chancellor of the Reich. When President von Hindenberg died in 1934, the Fuehrer amalgamated in his person the offices of Chancellor and President, by decreeing that his official title should continue to be Fuehrer and Reich Chancellor.

2003-PS. Decree of 1 August 1934, merging offices of Reich President and Reich Chancellor, 1934 RGBl, I, 747.

10. By a decree of 20 December 1934, Party uniforms and institutions were granted the same protection as those of the State. This law was entitled "Law Concerning Treacherous Acts against the State and Party, and for the Protection of Party Uniforms."

1393-PS. Law of 20 December 1934, 1934 RGBl, I, 1269.

11. On 30 January 1935, the German Communal Ordinance was issued, providing for increased control of communal life by the Party. The preamble to the ordinance states that the aim of the ordinance is to qualify the communes "for the highest achievements in close cooperation with Party and State." The ordinance

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instituted a Delegate of the Party and vested him with power, in agreement with the Mayor, to appoint Councillors. Section 6 of the above ordinance states that the Mayor receives his appointment through the confidence of Party and State. Section 33 provides that the Delegate of the NSDAP should participate in and consent to the issuance of communal legislation. The above ordinance introduced the "leadership principle" into administration of the communes.

2008-PS. German Communal Ordinance, 30 January 1935.

According to the above ordinance, the Deputy of the Fuehrer (then Hess) had to stipulate who was to be the Party Delegate. The executive decree published by Hess, under the ordinance, provided that normally the Kreisleiter was to hold this position. By Article 2 of the above executive decree, the Gauleiter was authorized to appoint the Kreisleiter as Party Delegate to the Communes. The above executive decree also provided that Hitler was to be the Party Delegate for the city of Munich.

2325-PS. Decree in execution of Art. 118 of the German Municipal Order, 26 March 1935, 1935 RGBl, I, 470.

By a circular letter dated 17 July 1935, Reichsleiter Bormann issued an instruction to Party officials directing the Political Leaders of the NSDAP to attend regular conferences of State Councillors and Mayors. Pursuant to this directive, the Minister of the Interior of the Reich and Prussia issued a directive, dated 8 July 1935, instructing the Oberpraesidenten (Chief Presidents) to invite the Kreisleiter to attend the conferences of State Councillors and Lord Mayors at which questions of general importance were to be discussed.

2474-PS. Decrees of the Deputy of the Fuehrer, 1937 Edition, p. 147.

12. By a law of 15 September 1935, the Swastika flag of the Party was made the official flag of the Reich. This law enacted by the Reichstag indicates on its face that it issued from

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Nurnberg on the Party Day of 15 September 1935. It was signed by Hitler, the Fuehrer of the Leadership Corps of the Nazi Party; by Frick, a Reichsleiter of the Leadership Corps; and by von Blomberg, Reich Minister of War and Supreme Commander of the Wehrmacht.

2079-PS. Law of 15 September 1935, 1935 RGBl, I, 1145.

13. On 23 April 1936, a law was enacted granting amnesty for crimes which the offender had committed "in his eagerness to fight for the National Socialist ideal."

1386-PS. Law concerning the granting of amnesty, 23 April 1936, 1936 RGBl, I, 378.

14. In furtherance of the Conspiracy to acquire totalitarian control over the German people, a law was enacted on 1 December 1936, which incorporated the entire German youth within the Hitler Youth, thereby achieving a "total mobilization of German youth." The law further provided that the task of educating the German youth through the Hitler Youth was entrusted to the Reichsleiter of German Youth in the NSDAP. The law further provided that the Reichsleiter for the Education of Youth was directly responsible to the Fuehrer.

1392-PS. Law on the Hitler Youth, 1 December 1936, 1936 RGBl, I, 993.

15. On 4 February 1938, the Fuehrer of the Leadership Corps of the NSDAP, Hitler, issued a decree in which he took over directly the command of the whole Armed Forces. In this decree, Hitler declared, in part, as follows:

"From now on, I take over directly the command of the whole Armed Forces."

1915-PS. Decree of 4 February 1938, 1938 RGBl, I, 111.

16. By the decree of 4 February 1938, Hitler became Supreme Commander of the Armed Forces. He was, at the time of its issuance, Fuehrer of the Leadership Corps of the Nazi Party. By virtue of the earlier law of 1 August 1934, he combined the office of Reich President with that of the Chancellorship. In the final result,

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therefore, Hitler was Supreme Commander of the Armed Forces, Head of the German State, and Fuehrer of the Nazi Party.

1915-PS. Decree of 4 February 1938, 1938 RGBl, I, 111.

1893-PS. Organization Book of the NSDAP, 1943 Edition, p. 146.

With respect to the foregoing point, the Party Manual states as follows:

> "...the Fuehrer created the National Socialist German Workers' Party. He filled it with his spirit and his will, and with it he conquered the power of the State on 30 January 1933. The Fuehrer's will is supreme in the Party.
>
> By authority of the law about the Chief of State of the German Reich, dated 1 August 1934, the office of the Reich President has been combined with that of the Reich Chancellery. Consequently, the powers heretofore possessed by the Reich President were transferred to the Fuehrer, Adolf Hitler. Through this law, the conduct of Party and State has been combined in one hand. By desire of the Fuehrer, a plebiscite was conducted on this law on 19 August 1934. On this day, the German people chose Adolf Hitler to be their sole leader. He is responsible only to his conscience and to the German nation." (underlining supplied)

1893-PS. Ibid., p. 146.

17. By a decree of 29 May 1941, Hitler ordered that the Chief of the Party Chancellery, Reichsleiter Bormann, should have the powers of a Reich Minister and that he was a member of the Reich Government and the Ministerial Council for the Defense of the Reich. In the above decree, Hitler stated that it was issued "in order to guarantee closest collaboration of the Party Chancellery with the Supreme Reich Authorities."

2099-PS. Fuehrer decree relating to the Chief of the Party Chancellery of 29 May 1941, 1941 RGBl, I, 295.

A decree of 16 January 1942 provided that the Party should participate in legislation and official appointments and promotions. The decree further provided that such participation should be undertaken exclusively by Reichsleiter Bormann, Chief of the Party Chancellery and a Reichsleiter of the Leadership Corps of the Nazi Party. The decree provided that the Chief of the Party Chancellery was to take part in the preparation of all laws and decrees issued

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by Reich authorities, and to give his assent to those of the Lander and Reichsstatthalter; all communications between State and Party authorities, unless within one Gau only, were to pass through his hands.

2100-PS. Decree on the position of the Leader of the Party Chancellery, 1942 RGBl, I, 35.

2474-PS. Directive of 25 October 1934, Decrees of the Deputy of the Fuehrer, p. 67.

18. On or about 26 April 1942, Hitler declared in a speech that, in his capacity as Leader of the Nation, Supreme Commander of the Armed Forces, Supreme Head of the Government, and as Fuehrer of the Party, his right must be recognized to compel with all means at his disposal, every German, whether soldier, judge, State official, or Party official, to fulfill his desire. He demanded that the Reichstag officially recognize this asserted right. On 26 April 1942, the German Reichstag issued a decision in which full recognition was given to the rights which the Fuehrer had asserted. The Reichstag decreed as follows:

"There can be no doubt, that in the present war, in which the German people is faced with a struggle for its existence or annihilation, the Fuehrer must have all the rights postulated by him which serve to further or achieve victory. Therefore - without being bound by existing legal regulations - in his capacity as Leader of the Nation, Supreme Commander of the Armed Forces, Governmental Chief and Supreme Executive Chief, as Supreme Justice and Leader of the Party - the Fuehrer must be in a position to force with all means at his disposal every German, if necessary, whether he be common soldier or officer, low or high, official or judge, leading or subordinate official of the Party, worker or employee - to fulfill his duties. In case of violation of these duties, the Fuehrer is entitled, after conscientious examination, regardless of so-called well-deserved rights, to mete out due punishment and to remove the offender from his post, rank and position without introducing prescribed procedures."

At the order of the Fuehrer, this decision is hereby made public. Berlin, 26 April 1942."

1961-PS. Decision of the Greater German Reichstag, 26 April 1942, 1942 RGBl, I, 247.

19. On 15 July 1942 a law was enacted providing that, in the Protectorate of Bohemia and Moravia, in the event of an attack by a non-German against the SS or the German police or any of their

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members, the Reichsleiter of the SS and Chief of the German Police was empowered to establish a combined SS and Police Court, by declaring that special interests on the part of the SS or of the police required that jurisdiction be taken by an SS and Police Court.

2016-PS. Order concerning the jurisdiction of SS Courts and Police Courts in the Protectorate Bohemia and Moravia, 1942 RGBl, I, p. 475.

20. On 20 August 1942, the Fuehrer decreed that the Reich Minister of Justice was empowered to establish "a National Socialist administration of justice and to take all necessary measures in accordance with my directives and instructions.... he can hereby deviate from any existing law."

1964-PS. 1942 RGBl, I, 535.

E. In view of the domination of the German State and Government by the Nazi Party and the Leadership Corps thereof, as established by the foregoing and other evidence recited in the Master Trial Brief, it is submitted that the Leadership Corps of the Nazi Party is responsible for the measures, including legislative enactments, taken by the German State and Government in furtherance of the Conspiracy formulated and carried out by the co-conspirators and the organizations charged with criminality in the present case.

For example, as revealed by the above evidence, Point 4 of the original Party Program declared that a Jew was not a member of the German race and, therefore, was not entitled to citizenship. This premise was incorporated into the law of the Third Reich by numerous anti-Semitic and discriminatory laws. Consequently, it is submitted that, by virtue of their control over the German State and Government, as shown by the foregoing evidence, the Nazi Party and the Leadership Corps thereof share responsibility for, among other enactments and measures furthering the Conspiracy, the following discriminatory laws:

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1. The Homestead Law of 29 September 1933 provided that only a "responsible person who is a German citizen and has German or cognate blood may be a peasant." The law further provided that a person was not considered German or as having cognate blood if "his paternal or maternal grandparents have Jewish or colored blood in their veins."

1402-PS. The Homestead Law of 29 September 1933, 1933 RGBl, I, 685.

2. The Party Congress of September 1935 was entitled the "Party Congress of Freedom" and was marked by the issuance of drastic measures against the Jews. A law of 15 September 1935, "The Law for the Protection of German Blood and German Honor," explicitly deprived the Jews of the rights of full German citizenship, placed a ban on mixed marriages between "Jews" and "Aryans" and forbade Jews to employ women domestics of "Aryan" origin. The Reichstag met at Nurnberg for the enactment of this law in the atmosphere of the Party Congress.

The above law provides, in partinent part, as follows:

> "Marriage between Jews and citizens of German or kindred blood is prohibited...Extra-marital relations between Jews and citizens of German blood are prohibited... Jews may not employ in their household female citizens of German or kindred blood who are under 45 years of age...Jews are forbidden to hoist the Reich and National flag or to display the Reich colors...Nurnberg, September 15, 1935, at the Party Rally of Freedom. Signed: Hitler, Frick, Guertner, Hess."

2000-PS. Law for the Protection of German Blood and Honor, 15 September 1935, 1935 RGBl, I, 1146.

3. On 15 September 1935, at the Reich Party Day of Liberty, held at Nurnberg, the Reichstag unanimously passed a law depriving all German Jews of their citizenship. The law created two categories of subjects, first, Reich citizens with full political status, and second, Reich subjects without such political status. The Jews were assigned to the second category because only Germans or persons of "racially related blood" could be Reich citizens. The above law provided, in partinent part, that:

"A citizen of the Reich is only that subject who is of German or kindred blood and who, through his conduct, shows that he is both desirous and fit to serve faithfully the German people and Reich..."

1416-PS. The Reich Citizenship Law, 1935, I, 1146.

4. A law of 14 November 1935 defined persons of Jewish blood and further provided that "a Jew cannot be a citizen of the Reich. He has no right to vote in political affairs; he cannot occupy a public office...Jewish officials will be retired as of 31 December 1935..."

1417-PS. 1935 RGBl, I, 1333.

5. By a decree of 17 August 1938, the legal classification of German Jews as a foreign "race" was carried still further. It provided that newly-born Jews would have to be given first names from a list which was compiled by the Ministry of the Interior. The names were all biblical names, mostly from the Old Testament. Jews who were born before the issuance of the decree, using given names different from those provided in the ministerial directive, were obliged to adopt, as an additional given-name, "Israel," if male, and the name "Sara," if female.

1674-PS. Second Decree for the Execution of the Law Regarding the change of Surnames and Forenames, 17 August 1938, 1938 RGBl, I, 1044.

6. By a decree of 5 October 1938, all German passports of Jews were declared to be invalid. All Jews who had passports were required to surrender them to the police authorities.

2120-PS. Law on Passports of Jews, 5 October 1938, 1938 RGBl, I, 1342.

7. On 12 November 1938, the Commissioner of the Four Year Plan, Goering, imposed a one billion Reichsmarks fine on all Jewish subjects of the State. The decree provided, in part, as follows:

"The hostile attitude of Jewry toward the German nation and Reich, an attitude which does not even shrink from cowardly murder, demands determined resistance and punishment...The payment of an atonement of one billion Reichsmarks to the German Reich is imposed on all Jewish subjects of the State."

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1412-PS. Order concerning expiation contribution of Jews of German nationality, 12 November 1938, 1938 RGBl, I, 1579.

8. A decree of 12 November 1938, issued by Goering, contributed to the elimination of Jews from German economic life. Under the terms of the decree, Jews were forbidden to manage firms and to offer goods for services in the markets. Article 1 of the above decree provided as follows:

> "From 1 January 1939, operation of retail shops, mail order houses, independent exercise of handicrafts, is forbidden to Jews...Jewish shops operated in violation of this order will be closed by police...No Jew can manage a firm...If a jew is a leading employee in a business concern, he may be dismissed with notice of six weeks. At the expiration of this period, all claims resulting from the employee's contract, especially claims of compensation or pensions, become null. No Jew can be a member of a cooperative society..."

1662-PS. Order eliminating Jews from German economic life, 12 November 1938, 1938 RGBl, I, 1580.

9. A police regulation restricting the appearance of Jews in public, dated November 28, 1938, signed by Heydrich, for the Reich Minister of the Interior, provided as follows:

> "The Government's Presidents in Prussia, Bavaria and the Sudeten German areas, the proper authorities in the remaining provinces of the old Reich, the District Captains (the Mayor in Vienna) in Austria, and the Reich Commissar of the Saar district may impose upon Jews, both subjects of the German State and stateless Jews...restrictions as to place and time to the effect that they may not enter certain districts or may not appear in public at certain times..."

1415-PS. Police Regulation re Appearance of Jews in Public, 28 November 1938, 1938 RGBl, I, 1676.

10. A law of 30 April 1939 provided that Jews were to be denied the protection of the tenancy laws.

1419-OS. Law Concerning Jewish Tenants, 30 April 1939, 1939 RGBl, I, 864.

11. In an order dated 17 September 1940, issued by Goering, the property of nationals of the "Former Polish State within the area of the Greater German Reich," was made subject to confiscation. Article 3 of this order provided that "confiscation will be applied in case of property belonging to...Jews."

1665-PS. Order Concerning Treatment of Property of Nationals of the Former Polish State, 17 September 1940, 1940 RGBl, I, 1270.

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12. By a decree of 1 September 1941, the branding of Jews as an outcast group was accentuated. The decree provided that all Jews, male or female, over 6 years of age, were prohibited from appearing in public without wearing the "Jewish Star." The decree described the Jewish Star as a

> "yellow piece of cloth with a black border, in the form of a 6-pointed star of the size of a hand with the inscription 'Jew'. It shall be worn visible, sewed on the left side of the chest of the garment."

The decree further prohibited Jews from leaving the community within which they resided without the written permission of the local police; and prohibited them from wearing medals, ribbons, and other insignia.

2118-PS. Police Decree on Identification of Jews, 1 September 1941, 1941 RGBl, I, 547.

13. A regulation, dated 1 July 1943, pursuant to the Reich Citizenship Law, provided that criminal actions committed by Jews were to be punished by the police. Such offenses, under this regulation, were not to be tried by courts, but, as indicated, by the police. The regulation further provided, by Article 2 thereof, that

> "The property of a Jew shall be confiscated by the Reich after his death."

The effect of such provision was to nullify the testamentary rights of Jews and intestate succession to the property of Jews, substituting automatic escheat to the estate.

1422-PS. 13th Regulation of 1 July 1943 under the Reich Citizenship Law, 1943 RGBl, I, 372.

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III. EVIDENCE RELATING TO THE PARTICIPATION OF THE LEADERSHIP CORPS OF THE NAZI PARTY IN MEASURES AND ACTIVITIES DESIGNED TO FURTHER THE CONSPIRACY.

Note: The foregoing Part II of this Trial Brief recites the evidence tending to prove the domination and control of the German Government and State by the Nazi Party and the Leadership Corps thereof; and supports the submission that, by reason of such control, the Leadership Corps shares responsibility for certain enactments, measures and policies of the German State and Government designed to carry out the Conspiracy. The present Part III of this Trial Brief recites varied and selected evidence in proof of the direct participation of the Leadership Corps and the members thereof in measures and activities in furtherance and execution of the common Conspiracy.

A. THE LEADERSHIP CORPS OF THE NAZI PARTY JOINED AND WAS SYSTEMATICALLY EMPLOYED IN FURTHERING THE COMMON CONSPIRACY.

1. Reichsleiter Alfred Rosenberg and Reichsorganisationleiter Ley were both Reichsleiter of the NSDAP.

2473-PS. National Socialist Yearbook, 1943 Edition, p. 170.

An agreement was concluded between the Reich Minister for the Occupied Eastern Territories, Reichsleiter Rosenberg, and the Director of the German Labor Front, Reichsorganisationleiter Ley, relating to the inspection and care of foreign workers. This agreement was based on an earlier agreement of 2 June 1943 between the Deputy General for the Arbeitseinsatz, Gauleiter Fritz Sauckel, and the Leader of the German Labor Front, Reichsleiter for the Party Organization, Dr. Ley, concerning a "central inspection for the care of foreign workers." The purpose of the two agreements was to coordinate activities of the organizations concerned with respect to the administration of plants and camps in which foreign workers were employed.

1914-PS. Statutes, regulations, publications, 1st part, 1943 Edition, pp. 318-319, published by Central Publishing House of the NSDAP.

2. On 13 September 1936, Reichsleiter of the Party Organization, Dr. Ley, addressed 20,000 people

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attending a session of the Party Congress. The official account of the Party Rally states that the Fuehrer was received with "enthusiastic shouts of exaltation" when he strode through the hall with his deputy, his constant retinue, and several Reichsleiter and Gauleiter. In his speech, Reichsleiter Ley states that he had been mystified when the Fuehrer ordered him "in mid-April 1933 to take over the trade unions..., since I could not see any connection between my task as Organizational Leader of the Party and my new task." Ley continues by stating that very soon it became clear to him why his responsibilities as Reichsleiter of the Party Organization and Leader of the German Labor Front made logical his selection by the Fuehrer as the man to direct the smashing and dissolution of the free trade unions in Germany:

> "Very soon...your decision, My Fuehrer, became clear to me and I recognized that the organizational measures of the Party could only come to full fruition when supplemented by the organization of the people, that is to say by the mobilization of the energies of the people and by their concentration and alignment...My tasks as Reichsleiter of the Party Organization and as Leader of the German Labor Front were a completely homogeneous task; in other words, in everything I did, I acted as Reichsleiter of the Party Organization...The German Labor Front was an institution of the Party and was led by it. The German Labor Front had to be organized regionally...according to the same principles as the Party. That is why trade union and employee associations had to be smashed unrelentingly, and the basis of construction was formed, as in the Party, by the cell and the local section..."

2283-PS. Excerpts from Voelkischer Beobachter, Munich (South German) Edition, 14 September 1936, p. 11.

3. On 17 October 1944, Reichsleiter Rosenberg sent a letter to Reichsleiter Bormann, Chief of the Party Chancery, informing the latter that he had sent a telegram to Gauleiter urging them not to interfere in the

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liquidation of certain listed companies and banks under his supervision. Rosenberg emphasizes to Bormann that any "delay of liquidation or...independent confiscation of the property by the Gauleiter would impair or destroy an organized plan" for the liquidation of a vast amount of property.

327-PS. Letter of Rosenberg to Bormann, 17 October 1944, concerning liquidation of property in the Eastern Occupied Territories.

4. On 7 November 1943, the Chief of the General Staff of the Armed Forces delivered a lecture at Munich to the Reichsleiter and Gauleiter. The Chief of Staff stated that his object was to give a review of the strategic position at the outset of the fifth year of war; and he stated that he realized that the Political Leaders in the Reich and Gau areas, in view of their burdensome tasks in supporting the German War Effort, were in need of information he could give. He stated, in part, as follows:

> "Reichsleiter Bormann has requested me to give you a review today of the strategic position in the beginning of the fifth year of war.
>
> No one - the Fuehrer has ordered, - may know more or be told more than he needs for his immediate task, but I have no doubt at all in my mind, gentlemen, but that you need a great deal in order to be able to cope with your tasks. It is in your Gau, after all,...that all the enemy propaganda, and the malicious rumors concentrate that try to find themselves a place among our people...Against this wave of enemy propaganda and cowardice you need more than force. You need to know the true situation and, for this reason, I believe that I am justified in giving you a perfectly open and uncovered account of the state of affairs..."

L-172. Lecture by Chief of General Staff of Armed Forces, 7 November 1943, to Reich and Gauleiter, Munich.

5. On 30 May 1944 Reichsleiter Bormann, Chief of the Party Chancery, sent a circular letter, described

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as "not for publication," to Reichsleiter, Gauleiter, and the leaders of the incorporated and affiliated organizations of the Party. The letter alleged that in recent weeks English and American fliers had repeatedly shot children, women, peasants, and vehicles on the highway. Bormann then states:

> "Several instances have occurred where members of the crews of such aircraft who have bailed out or who have made forced landings were lynched on the spot immediately after capture by the populace, which was incensed to the highest degree. No police measures or criminal proceedings were invoked against the German civilians who participated in these incidents."

The Chief of the Party Chancery requested that Ortsgruppenleiter be instructed concerning the contents of the circular letter only by oral means.

057-PS. Circular letter from Bormann to Political Leaders, dated 30 May 1944.

6. Reichsleiter Bormann distributed to all Reichsleiter, Gauleiter, and leaders of Party affiliated organizations, by an undated letter of transmittal, an order of the Supreme Command of the Wehrmacht, relating to self-defense by German guard personnel and German contractors and workers against prisoners of war. The order of the Wehrmacht referred to states that the question of treatment of prisoners of war is continually being discussed by Wehrmacht and Party bureaus. The order states that should prisoners of war refuse to obey orders to work, the guards have "in the case of the most pressing need and danger, the right to force obedience with the weapon if he has no other means. He can use the weapon as much as is necessary to attain his goal..."

656-PS. Undated letter from Bormann to Political Leaders, enclosing order of the Supreme Command of the Wehrmacht relating to self-defense against prisoners of war.

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7. On 18 April 1944, Reich Commissar Lohse, Reich Minister for the Occupied Eastern Territories, in a letter to Reich Youth Leader, Axmann, proposed that the Hitler Youth participate in and supervise the military education of the Estonian and Latvian youth. Lohse states in the above letter that "in the military education camps, the young Latvians are trained under Latvian leaders in the Latvian language not because this is our ideal, but because absolute military necessity demands this." Lohse further stated in the above letter that

> "...in contrast to the Germanic peoples of the West, military education is no longer to be carried out through voluntary enlistments but through legal conscription. The camps in Estonia and Latvia...will have to be under German leadership and, as military education camps of the Hitler Youth, they must be a symbol of our educational mission beyond Germany's borders...I consider the execution of the military education of the Estonian and Latvian youth not only a military necessity, but also a war mission of the Hitler Youth especially. I would be thankful to you, Party member Axmann, if the Hitler Youth would put itself at our disposal with the same readiness with which they have so far supported our work in the Baltic area."

347-PS. Copy of letter, 18 April 1944, from Lohse to Reich Youth Leader Axmann.

8. The Reichsleiter of the SS, as shown earlier in this Brief, was a Reichsleiter of the NSDAP.

2473-PS. National Socialist Yearbook, 1943 Edition, p. 170.

An order of the Reich Minister of the Interior, Frick, dated 22 October 1938, provided as follows:

> "The Reichsfuehrer SS and the Chief of the German Police...can take the administrative measures necessary for the maintenance of security and order, even beyond the legal limits otherwise set on such measures." (Underlining supplied)

The above order related to the administration of the Sudeten-German territory.

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1438-PS. Third order, supplementary to the decree of the Fuehrer concerning the administration of the Sudeten-German territory, 1938 RGBl, I, 1453.

9. In a letter dated 23 June 1943, Gauleiter and Plenipotentiary for the Direction of Labor, Fritz Sauckel, stated, in part, as follows:

"As Gruppenfuehrer Bormann has already informed you, I am betaking myself on the 15th April to the Eastern areas in order to secure one million workers from the East for the German war economy in the coming months.

The result of my last trip to France is that, after exact fulfillment of the last program, another 450,000 workers from the Western areas too will come into the Reich by the beginning of the Summer.

Counting the manpower, which comes into question from Poland and the remaining areas, and which is in the neighborhood of about 150,000, it will become possible again to place 500,000 to 600,000 workers at the disposal of German agriculture, and 1,000,000 workers at the disposal of the armaments industry and the rest of the war industries by the coming summer months...

After one year's activity as Plenipotentiary for the Direction of Labor, I can report that 3,638,056 new foreign workers were given to the German war economy from 1 April of last year to 31 March this year.

As a whole, these forces have produced satisfactory performances...

You can be assured that the District of Thueringen (Gau) and I will serve you and our dear people with the employment of all strength..."

The foregoing letter is headed "District Administration Thueringen of NSDAP, The Plenipotentiary for the Direction of Labor."

407-PS. VI, letter from Gauleiter Sauckel to Hitler, dated 15 April 1943.

10. On 16 March 1935, the Cabinet passed a law establishing compulsory military service.

1654-PS. Law for the Organization of the Armed Forces, 1935 RGBl, I, 369.

11. In a report dated 17 June 1940, submitted by Reichsleiter Rosenberg to the Deputy of the Fuehrer, an account is given of the "Political Preparation of the

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Norway Action," particularly of dealings between Rosenberg and Quisling. The report states, in part, that

> "The Office of Foreign Relations of the NSDAP has had contact with VIDKUN QUISLING...for years. The director of the 'Office North' of the Office of Foreign Relations...paid him (Quisling) a personal visit on one of his trips to Scandinavia.
>
> When in 1939 the general political situation was beginning to grow critical, Quisling gave the Office of Foreign Relations an estimate of the situation and his opinion about the possible intentions of Great Britain with relation to Scandinavia in case of conflict...with the German Reich. Prior to the convention of the Nordic Association in Luebeck, Quisling was received by Reichsleiter Rosenberg in Berlin... During his presence in Germany, Quisling had requested a short, pertinent training program for reliable party functionaries especially selected by him. This request was granted by Reichsleiter Rosenberg. In August 1939 a 14-day course was held at the School of the Office for Foreign Relations of the NSDAP in Berlin for 25 followers of the NASJONAL SAMLING who had been selected by Quisling...
>
> As the activities of the Allies became more and more noticeable in Norway, Quisling again came to Germany to voice his fears. He was received by Reichsleiter Rosenberg in the early part of December and he again presented his ideas." (Underlining supplied)

The above report states that, convinced of the victory of Greater Germany, Quisling considered it his duty to tie Norway's fate to that of Germany. Rosenberg emphasized to Hitler the importance of Norway in relation to the possible occupation of that country by England, with the tacit consent of the Norwegian Government, for the purposes of strengthening the blockade against Germany. As a result, the report continues:

> "...Quisling was received by the Fuehrer for personal instructions on the 16th of December and again on the 18th...The Fuehrer promised Quisling financial support for his movement... The military matters of the questions were now transferred to a special military staff which assigned special missions to Quisling and heard his opinions. The political treatment was to be handled by Reichsleiter Rosenberg, expenses were to be carried by the Foreign Office... Strictest secrecy was ordered for the entire matter.

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> Then, in January, during a conference between Reichsleiter Rosenberg and Foreign Minister von Ribbentrop it was decided to appropriate to Quisling an initial sum of 200,000 Goldmark." (Underlining supplied)

The above report describes further details of the collaboration between Quisling, Rosenberg and other German officials, including an arrangement, "based on a report of the Reichsleiter Rosenberg to the Fuehrer...to pay Quisling 10,000 English pounds for three months...to support his work."

The report describes intervening events leading to the invasion of Norway by Germany and the occupation in the morning of 9 April 1940 of the most important air-fields and seaports.

> "After the success of the occupational operations in Norway...the Fuehrer called Reichsleiter Rosenberg for a short talk before lunch on April 25th...He...revealed to Reichsleiter Rosenberg that he had based this most daring decision which was now approaching successful completion on the continuous warnings of Quisling as reported to him by Reichsleiter Rosenberg..." (Underlining supplied)

004-PS. Report on the Political Preparation of the Norway Action, dated 15 June 1940, Berlin, submitted by Rosenberg to the Deputy of the Fuehrer.

12. On 1 September 1939, Hitler wrote a memorandum stating:

> "Reichsleiter Bouhler and Dr. Brandt, M.D., are charged with the responsibility of enlarging the authority of certain physicians to be designated by name in such a manner that persons who, according to human judgment, are incurable can, upon a most careful diagnosis of their condition of sickness, be accorded a mercy death.
>
> Signed: A. Hitler."

A handwritten note on the face of the document states:

> "Given to me by Bouhler on 27 August 1940, signed: Dr. Guertner."

630-PS. Memorandum of Hitler, 1 September 1939, relating to authorization of mercy killings.

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13. A note of a meeting held in the Reich Ministry for Enlightenment and Propaganda on 10 March 1943 discusses the "treatment of foreign workers employed in the Reich." The note emphasizes that measures should be taken to improve the attitude of foreign workers in Germany toward the Reich:

> "This is particularly necessary in the treatment of the workers from the East... The hitherto prevailing treatment of the Eastern workers has led...to a diminished production...and has resulted in...well-known difficulties for our troops. In order to facilitate military operations, the morale has to be improved by a better treatment of the Eastern workers in the Reich."

The note further states:

> "In a decree issued 15 February to all Gauleiter and Reichsleiter, Reich Minister Dr. Goebbels has given corresponding directives to Party agencies..." (Underlining supplied)

The note declares that the change in policy declared in these directives should effect

> "...An increased repudiation of mistreatment and beatings...Accordingly, a more severe punishment is planned for those supervisors and under officials who commit such offenses."

The note states that considerable doubts were voiced concerning the announced change in policy toward foreign workers from the East by the representatives of both the Main Security Office of the Reich and of the Party Chancellery. The former stressed the necessity for strict measures on security grounds, while the latter pointed out that increasing freedom for foreigners would create controversy for the German population.

> 315-PS, Note of a meeting held in the Reich Ministry for Enlightenment and Propaganda, on 10 March 1943, relating to treatment of foreign workers employed in the Reich.

14. In a note of a discussion held on 18 September 1942 with Reich Fuehrer of SS, Himmler, the writer, who signed the note "Th," states that, on the suggestion

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of Reichsleiter Bormann, an agreement had been reached between Himmler and himself with respect to "special treatment at the hands of the police in cases where judicial sentences are not severe enough."

Under the agreement referred to, "the Fuehrer's time is no longer to be burdened with these matters." In the note it is further stated that:

> "The Reich Minister for Justice will decide whether and when special treatment at the hands of the police is to be applied. The Reich Fuehrer of SS will send the reports, which he sent hitherto to Reichsleiter Bormann, to the Reich Minister for Justice." (Underlining supplied)

If the views of the Reich Fuehrer of SS and the Reich Minister for Justice disagreed,

> "the opinion of Reichsleiter Bormann will be brought to bear on the case, and he will possibly inform the Fuehrer..."

In the above note it is further stated:

> "The delivery of anti-social elements from execution of their sentence to the Reich Fuehrer of SS to be worked to death. Persons under protective arrest, Jews, Gypsies, Russians and Ukrainians, Poles with more than 3-year sentences, Czechs and Germans with more than 8-year sentences, according to the decision of the Reich Minister of Justice. First of all the worst anti-social elements amongst those just mentioned are to be handed over. I shall inform the Fuehrer of this through Reichsleiter Bormann. (Underlining supplied)

With respect to the "administration of justice by the people," the writer states:

> "This is to be carried out step by step as soon as possible...I shall rouse the Party particularly to cooperate in this scheme by an article in the Hoheitstrager (NSDAP publication)..." (Underlining supplied)

654-PS. Note of a discussion on 18 September 1942 with Himmler relating to "special treatment" by police in cases where judicial sentences are deemed inadequate.

15. With respect to the enslavement and inhuman treatment of civilian population of German-occupied areas, the views of Reichsleiter Bormann were paraphrased by an

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official in the Rosenberg Ministry, who protested in a memorandum, in part, as follows:

> "The Slavs are to work for us. Insofar as we don't need them, they may die. Therefore, compulsory vaccination and German health services are superfluous. The fertility of the Slavs is undesirable. They may use contraceptives or practice abortion, the more the better. Education is dangerous. It is enough if they can count up to 100. At best an education which produces useful stooges for us is admissible. Every educated person is a future enemy. Religion we leave to them as a means of diversion. As for food, they won't get any more than is necessary. We are the masters, we come first."

R-36. Copy of memorandum to Rosenberg, 19 August 1942, re Bormann letter of 23 July 1942, prepared by an official in the Rosenberg Ministry.

16. At a meeting of the NSDAP in Kiev, the theory of the master race as the basis of German administrative policy in the East was expressed by Koch, Reich Commissioner for the Ukraine, as follows:

> "We are the master race...I will squeeze the last drop out of the country...the people must work, work and work. We are a master race...the lowest German worker is racially and biologically a thousand times more valuable than the people here."

1130-PS. Note on speech by Koch in Kiev, 1 April 1943.

17. With respect to the inhuman treatment of the civilian population in the General Government, food rations in the occupied area were so inadequate that in September 1941, 40 per cent of the population was sick by virtue of lowered resistance to disease. In August 1942, the issuance of ration cards was suspended for all Poles except those working for German interests. Two million persons were affected by this order. In apologizing for a slight increase in the ration for Poles, the Governor-General, Hans Frank, said that he could not annihilate a people of 15 million with so little help.

2233-PS. Copy of Diary of Hans Frank, 15 September 1939 to 3 April 1945.

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18. A letter from RSHA (Reich Security Main Office) to police chiefs, dated 5 November 1942, recites an agreement between the Reich Fuehrer SS and the Reich Minister of Justice, approved by Hitler, providing that ordinary criminal procedure was no longer to be applied to Poles and members of the Eastern populations. The agreement provided that such people, including Jews and Gypsies, should henceforth be turned over to the police. The principles applicable to a determination of the punishment of German offenders, including appraisal of the motives of the offender, were not to be applied to foreign offenders. The letter states:

> "...the offense committed by a person of foreign extraction is not to be regarded from the view of legal retribution by way of justice, but from the point of view of preventing dangers through police action. From this it follows that the criminal procedure against persons of foreign extraction must be transferred from Justice to the Police. The preceding statements serve for personal information. There are no objections if the Gauleiter are informed in the usual form should the need arise..."

L-179. Copy of letter from RSHA to police officials, 5 November 1942.

19. With respect to the evacuation, deportation, and Germanization of the civilian population of the incorporated Eastern territories, Reich Fuehrer of SS, Himmler, in his capacity as Reich Commissioner for the Consolidation of German Nationhood, issued several decrees requiring the deportation to Germany of all Germans from such territories who had renounced their nationality during the existence of the Polish State. These decrees direct that persons affected by the provisions thereof who fail to comply are to be sent to concentration camps. After deportation to Germany, such persons were to be closely supervised by NSDAP "Counselors" and secret police to insure their Germanization. Certain of the decrees directing such deportation are addressed, inter

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alia, to the "Gauleiter" and the "Reich Governors in the Reich 'Gaue'." (Underlining supplied)

R-112. Decrees of the Reich Commissioner for the Consolidation of German nationhood, February and July, 1942.

20. In a conference with Reichsleiter Rosenberg, Hitler emphasized that he "wished to have the Crimea cleaned out," and Rosenberg stated that he had given much consideration to renaming the towns in the Crimea in order to invest the area with a German character.

1517-PS. Memorandum from Rosenberg files, concerning discussion with the Fuehrer, 14 December 1941, signed by Rosenberg.

21. In a speech to a gathering of persons intimately concerned with the Eastern problem on 20 June 1941, Reichsleiter Rosenberg stated that the Southern Russian territories and the Northern Caucasus would have to provide food for the German people. He stated further:

> "We see absolutely no obligation on our part to feed also the Russian people with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings..."

Rosenberg stated that, as a consequence of the above policy, extensive evacuations of Russians from that area would have to take place.

1058-PS. Speech by Reichsleiter Rosenberg, 20 June 1941.

22. Gauleiter Wagner of the German-occupied areas of Alsace, prepared plans and took measures leading to the expulsion and deportation of certain groups within the Alsatian civil population. His plans called for the forcible expulsion of certain categories of so-called undesirable persons, as a means of punishment and compulsory Germanization. The Gauleiter supervised deportation measures in Alsace from July to December 1940,

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in the course of which 105,000 persons were either expelled or prevented from returning. A memorandum dated 4 August 1942 of a meeting of high SS and police officials, convened to receive the reports and plans of the Gauleiter relating to the Alsatian evacuations, states that the persons deported were mainly "Jews, Gypsies and other foreign racial elements, criminals, asocial and incurably insane persons, as well as Frenchmen and Francophiles." The memorandum further states that the Gauleiter stated that the Fuehrer had given him permission "to cleanse Alsace of all foreign, sick, or unreliable elements;" and that the Gauleiter emphasized the political necessity of further deportations. The memorandum further records that the SS and police officials present at the above conference approve the Gauleiter's proposals for further evacuation.

A second memorandum, dated 17 August 1942, relating to a conference called by SS-Gruppenfuehrer Kaul, held at the Gauleiter office at Karlsruhe, for the purpose of considering the deportation of Alsatians into Germany, states that the Gauleiter had reported to the Fuehrer with respect to the proposed evacuation of Alsatians. It is further stated that the Fuehrer verbally declared that "asocial and criminal persons" were to be expelled. The Gauleiter stated at the above conference that the action leading to such evacuation had already begun. The Gauleiter further declared that he intended to offset the loss of population as far as possible by transplantation of people from Baden, "thus creating a uniform race mixture."

R-114. Memorandum of conferences between Gauleiter and SS and police officials, 7 and 18 August 1942.

23. A teletype message from SS-Gruppenfuehrer Heydrich to all state police offices, stated that, on the

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basis of the attack upon the German Legation official von Rath in Paris, demonstrations against Jews were to be expected throughout the Reich. Heydrich, in the above message, instructed the state police directors to enter into negotiations with the political directorates of their regions, Gauleitung or Kreisleitung, immediately upon receiving his telegram, and to correlate plans for carrying out the anticipated demonstrations. Heydrich further instructed that many Jews were to be seized, esepcially wealthy ones, to the extent of prison accommodations at hand, and that negotiations should be entered into leading to the dispatch of the Jews to concentration camps.

374-PS. Copy of teletype message from Heydrich to state police offices, relating to measures against Jews.

The Gau-Propagandaleiter of Gau Coblenz-Trier, on 7 June 1933, sent a directive to all Kreis directorates, relating to plans for conducting Jew-baiting activities. The directive states, in part, as follows:

> "You will receive in the next few days a list of the communities of your districts in which you will find the Jewish firms and businesses of your district...The District Directorate will set up a committee which has the task of directing...the communities in the whole district. You are to inform the Gau-Propaganda Directorate at once of the committees named. The Gau-Propaganda Directorate will then set itself in coordination with these committees through you.
>
> The committee will form in all the local groups ...such committees whose names shall be known only to the district committee. The members of the subcommittees shall report to the district committee the names of those Party members and other Germans who buy from Jews. The district committee will publish an article whose content is such that it will point out to the miscreant members of the nation the shamefulness of their deed...This article must be arranged so that only the addresses of those involved, the business and the time in which he made the purchase will be given. The article should bear no signature and will be posted on various posting spots...
>
> The district directorate will point out in all gatherings of members, or in all public gatherings, that the Jew in all countries is again

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carrying on a low attack which is greatly harmful to Germany. It must be made clear to the masses that no German may buy from a Jew. It is also to be demanded of the Party membership that it constantly bring this to the attention of its friends and acquaintances..."

374-PS. Directive of Gau-Propagandaleiter, Gau Coblenz-Trier, to all Kreis Directorates, 7 June 1933.

24. A memorandum by Reichsleiter Bormann of a conference called by Hitler at his headquarters, 16 July 1941, states, in part, as follows with respect to the maintenance of order in the occupied Eastern areas:

"The Crimea has to be evacuated by all foreigners and to be settled by Germans only...We have now to face the task of cutting up the giant cake according to our needs in order to be able first, to dominate it, second, to administer it, and third, to exploit it. The Russians have now ordered partisan warfare behind our front. This partisan war...has some advantage for us; it enables us to eradicate everyone who opposes us...Our iron principle is and has to remain: we must never permit anybody but the Germans to carry arms..."

According to the above memorandum, the foregoing conference was attended by Reichsleiter Rosenberg, Reich Minister Lammers, Field Marshall Keitel, the Reich Marshall, and Bormann, and lasted about 20 hours. The memorandum states that discussion occurred with respect to the annexation by Germany of various parts of conquered Europe. The memorandum also states that a long discussion took place with respect to the qualifications of Gauleiter Lohse, who was proposed by Rosenberg at the conference as governor of the Baltic country. Discussion also occurred, according to the memorandum, with respect to the qualifications of other Gauleiter and commissioners for the administration of various areas of occupied Russia. Goering stated, according to the memorandum, that he intended to appoint Gauleiter Terboven for the "exploitation of the Kola Peninsula; the Fuehrer agrees." With respect to the security of the German administration in the Eastern areas, the memorandum states as follows:

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"This giant area would have to be pacified as quickly as possible; the best solution was to shoot anybody who looked sideways...Field Marshall Keitel emphasizes the inhabitants themselves ought to be made responsible for their things because it was, of course, impossible to put a sentry in front of every shed or railway station. The inhabitants had to understand that anybody who did not perform their duties properly would be shot, and that they would be held responsible for each offense."

L-221. Copy of memorandum by Reichsleiter Bormann of meeting called by Hitler, 16 July 1941, attended by Rosenberg, Lammers, Keitel, and Goering.

B. ILLUSTRATIVE OF ITS PARTICIPATION IN THE CONSPIRACY, AND IN PARTICULAR, THE LEADERSHIP CORPS OF THE NAZI PARTY JOINED IN (1) THE PERSECUTION OF THE CHRISTIAN CHURCHES, (2) THE DESTRUCTION OF THE TRADE UNIONS, AND (3) BY MEANS OF THE "EINSTATZSTAB ROSENBERG," THE PLUNDERING AND LOOTING OF PUBLIC AND PRIVATE PROPERTY.

1. PARTICIPATION OF LEADERSHIP CORPS OF NAZI PARTY IN SUBVERSION OF CHRISTIAN CHURCH AND PERSECUTION OF CLERGY.

Note: For evidence relating to the systematic effort of the defendants and co-conspirators to eliminate the Christian churches in Germany, see the section of the Master Trial Brief dealing with such matter. The following evidence is offered in order to prove and point up the responsibility of the Leadership Corps of the Nazi Party and the members thereof for illegal activities against the Christian churches in Germany.

a. The Leadership Corps of the Nazi Party Promoted Beliefs and Practices Fundamentally Incompatible with Christianity.

(1) A secret decree of Reichsleiter Bormann, Chief of the Nazi Party Chancery, addressed to all Gauleiter, entitled "Relationship of National Socialism and Christianity," provides, in pertinent part, as follows:

"National Socialist and Christian concepts are irreconcilable...Our National Socialist ideology is far loftier than the concepts of Christianity, which, in their essential points, have been taken over from Jewry. For this reason also, we do not need Christianity...If, therefore, in the future our youth learns nothing more of this Christianity, whose doctrines are far below ours, Christianity will disappear by itself...

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It follows from the irreconcilability of National Socialist and Christian concepts that a strengthening of existing confessions and every demand of originating Christian confessions is to be rejected by us. A differentiation between the various Christian confessions is not to be made here. For this reason also, the thought of an erection of an Evangelical National Church by merger of the various Evangelical churches has been definitely given up, because the Evangelical Church is just as inimicable to us as the Catholic Church. Any strengthening of the Evangelical Church would merely react against us...

For the first time in German history, the Fuehrer consciously and completely has the leadership of the people in his own hand. With the Party, its components, and attached units, the Fuehrer has created for himself, and thereby the German Reich leadership, an instrument which makes him independent of the Church. All influences which might impair or damage the leadership of the people exercised by the Fuehrer, with the help of the NSDAP, must be eliminated. More and more the people must be separated from the churches and their organs, the pastors. Of course, the churches must and will, seen from their viewpoint, defend themselves against this loss of power. But never again must an influence on leadership of the people be yielded to the churches. This influence must be broken completely and finally.

Only the Reich Government and, by its direction, the Party, its components and attached units have a right to leadership of the people. Just as the deleterious influences of astrologers, seers and other fakers are eliminated and suppressed by the State, so must the possibility of Church influence also be totally removed. Not until this has happened, does the State leadership have influence on the individual citizens. Not until then are people and Reich secure in their existence for all the future."

D-75. SD Inspector Bierkamp's letter to RSHA, dated 12 December 1941, enclosing copy of secret decree signed by Bormann, condemning Christianity.

(2) In a letter dated 25 April 1941, Reichsleiter Bormann reported to Reichsleiter Alfred Rosenberg, Representative of the Fuehrer for the supervision of the whole ideological and political education of the Nazi Party and its affiliated organizations, that measures had been taken leading to the progressive cancellation of morning prayers in school and their substitution by Nazi mottos, rituals, etc.

070-PS. Letter from Reichsleiter Bormann to Reichsleiter Rosenberg, dated 25 April 1941.

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(3) In a letter from Reichsleiter Bormann to Reichsleiter Rosenberg, dated 22 February 1940, Bormann declares to Rosenberg that the Christian religion and National Socialism are incompatible. Bormann cites, as examples of hostile divergence between Nazism and the churches, the attitude of the latter on the racial question, celibacy of the priests, monasteries and nunneries, etc. Bormann further declares that the churches could not be subjugated through compromise, but only through a new philosophy of life as prophesied in Rosenberg's writings. In the above letter, Bormann proposes the creation of a National Socialist Catechism, in order to give that part of the German youth which declines to practice confessional religion, a moral foundation, and to lay a moral basis for National Socialist doctrines which are gradually to supplant the Christian religions. Bormann suggests that some of the Ten Commandments could be merged with the National Socialist Catechism and states that a few new Commandments should be added, such as: Thou shalt be courageous; Thou shalt not be cowardly; Thou shalt believe in God's presence in the living nature, animals, and plants; Thou shalt keep your blood pure; etc. Deputy of the Fuehrer Bormann concludes that he considers the problem so important that it should be discussed with the members of the Reich Directorate, comprising the top leaders of the Leadership Corps of the Nazi Party, as soon as possible.

098-PS. Bormann's letter to Rosenberg, dated 22 February 1940, urging creation of a Nazi Catechism to provide foundation for Nazi religion.

(4) In a letter of 18 January 1940, Reichsleiter [illegible]

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100-PS. Bormann's letter to Rosenberg, dated 13 January 1940, urging replacement of Christian literature by Nazi literature for use of troops.

(5) In a circular letter, dated 17 June 1938, directed to all Reichsleiter and Gauleiter, Reichsleiter Bormann distributed a copy of rules, prepared by Reichsleiter Hierl, relating to participation of the Reich Labor Service in religious celebrations. These rules provide in part as follows:

> "The Reich Labor Service is a training school in which the German youth should be educated to national unity in the spirit of National Socialism...
>
> What religious beliefs a person has is not a decisive factor, but it is decisive that he first of all feels himself a German.
>
> Every religious practice is forbidden in the Reich Labor Service because it disturbs the comrade-like harmony of all working men and women.
>
> On this basis, every participation of the Reich Labor Service in churchly, that is religious, arrangements and celebrations is not possible."

107-PS. Circular letter, dated 17 June 1938, from Reichsleiter Bormann directed to all Reich and Gau leaders, relating to non-participation of Reich Labor Service in religious celebrations.

(6) The authoritative Organization Book of the Nazi Party lays it down with respect to the missions of the SS man as follows:

> "He openly and unrelentingly fights the most dangerous enemies of the State: Jews, Free Masons, Jesuits, and political clergymen."

1855-PS. Organisationsbuch der NSDAP, p. 418.

(7) Reichsleiter Rosenberg professed, in his book, "The Myth of the Twentieth Century," that the Nazis preferred the concept of National Honor to the concepts of Christian Love:

> "The idea of honor - national honor - is for us the beginning and end of our entire thinking and doing. It does not admit of any equal-valued center of force alongside of it, no matter of

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what kind, neither Christian Love, nor the Free Masonic humanity, nor the Roman philosophy."

2349-PS. "The Myth of the Twentieth Century," Rosenberg, p. 514.

b. The Leadership Corps of the Nazi Party Participated in the Systematic Persecution of Priests, Clergy, and Members of Religious Orders.

(1) On the 22nd and 23rd of September 1941, a conference of Church Specialists attached to the Stapostellen was held in the lecture hall of the RSHA in Berlin, with 141 Specialists participating. The conference considered and dealt with such matters as the latest developments in the Church political situation; Security Police measures for combating the political Church and sects; intelligence tasks in connection with the struggle against political Catholicism; and so-called "Vatican World-Politics." The official documents, taken from the file of the Gestapo regional office in Aachen, reporting the above conference, state that one of the most important points agreed upon was to insure

> "...that the Church does not win back any lost ground. We must see to it that we retain any position won."

SS-Stub. Hartl, deputizing for the absent Heydrich, declared to the conference that:

> "The greatest importance is to be attached to Church political activity. Any material that is of the slightest significance, or could become of significance, is to be carefully examined. On the Fuehrer's instructions photostats are to be made of all documents seized..."

The SS lecturer closed his address with the following words:

> "Each one of you must go to work with your whole heart and a true fanaticism...The main thing is that the enemy should be constantly tackled with determination, will, and effective initiative."

At the 26th of September session of the above conference, dealing with Security Police measures for combatting Church politics and sects, it was pointed out that it

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was impractical to deal with political offenses of the clergy under normal legal procedure:

> "Owing to the lack of political perception which still prevails among the legal authorities, suspension of this procedure must be reckoned with. The so-called 'agitator priests' must therefore be dealt with in the future by Stapo measures, and, if the occasion arises, be removed to a concentration camp, if agreed upon by the RSHA."

The conference agreed that executive measures against the clergy should be determined according to local conditions, the status of the accused clergymen, and the seriousness of the case; and punitive measures, depending on the circumstances, were to include the following: warning, fine, prohibition to preach, prohibition to remain in parish, prohibition of all activity as a priest, short-term arrest, and protective custody.

A conference speaker summarized the objectives of the Gestapo and Security Police with respect to combatting the Church as follows:

> "The immediate aim: the Church must not regain one inch of the ground it has lost. The ultimate aim: destruction of the confessional Churches to be brought about by the collection of all material obtained through Nachrichtendienst (Intelligence Service in the Church Political Sphere) which will, at a given time, be produced as evidence for the charge of treasonable activities during the German fight for existence."

1815-PS. Gestapo file on espionage and other measures against the Church and the clergy, etc.

(2) Party regulation, issued by Reichsleiter Bormann, dated 14 July 1939, refers to an earlier order in which he decreed that the admission of members of the clergy into the Party was to be avoided. Bormann then refers with approval to a regulation of the Reich Treasurer of the NSDAP, dated 10 May 1939, laying it down that:

> "Clergymen, as well as other fellow Germans who are also closely connected with the Church, cannot be admitted into the Party."

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Bormann then ruled that

> "In the future, Party members who enter the clery or who turn to the study of Theology have to leave the Party."

840-PS. NSDAP directive, dated 14 July 1939, excluding clergy and Theology students from the Nazi Party.

(3) The Gestapo office in Berlin wired its Nuernberg office on 24 July 1938 a teletyped account received from the Stuttgart office of disorderly conduct and vandalism committed by Nazi Party members against Bishop Sproll of Rottenburg:

> "The Party on 23 July 1939 from 2100 on carried out the third demonstration against Bishop Sproll. Participants, about 2500-3000, were brought in from outside by bus, etc. The Rottenburg populace again did not participate in the demonstration. This town took rather hostile attitude toward the demonstrations. The action got completely out of hand of the Party member responsible for it. The demonstrators stormed the palace, beat in the gates and doors. About 150 to 200 people forced their way into the palace, searched the rooms, threw files out of the windows and rummaged through the beds in the rooms of the palace. One bed was ignited...The Bishop was with Archbishop Groeber of Freiburg and the ladies and gentlemen of his menage in the chapel at prayer. About 25 to 30 people pressed into this chapel and molested those present. Bishop Groeber was taken for Bishop Sproll. He was grabbed by the robe and dragged back and forth..." (Underling supplied)

The Gestapo official in Stuttgart added that Bishop Groeber desired

> "to turn to the Fuehrer and Reich Minister of the Interior, Dr. Frick, anew,"

and he concludes that he will forward a full report of the demonstration after

> "suppressing counter mass meetings."

848-PS. Gestapo telegrams, dated 24 July 1938, Berlin to Nuernberg, dealing with demonstrations and trespasses against Bishop Sproll in Rottenburg.

(4) On 23 July 1938, the Reich Minister for Church Affairs, Kerrl, sent a letter to the Minister of State and Chief of the Praesidium Chancellery, Berlin, stating that Bishop Sproll had angered the population by

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abstaining from the plebiscite of 10 April. Kerrl stated that the Gauleiter and Governor of Wuerttemberg had decided that Bishop Sproll

> "...in the interest of preserving the State's authority and in the interest of quiet and order could no longer remain in office. The Reich Governor had explained to the Ecclesiastical Board that he would no longer regard Bishop Sproll as Head of the Diocese of Rottenburg on account of his refraining from the election in the office and that he desired Bishop Sproll to leave the Gau area...because he could assume no guarantee for his personal safety; that in the case of the return of the Bishop to Rottenburg he would see to it that all personal and official intercourse with him on the part of State offices as well as Party offices and the Armed Forces would be denied." (Underling supplied)

Kerrl further states in the above letter that his Deputy had moved the Foreign Office, through the German Embassy at the Vatican, to urge the Holy See to persuade Bishop Sproll to resign his Bishopric. Kerrl concludes by stating that should the effort to procure the Bishop's resignation prove unsuccessful

> "...the Bishop would have to be exiled from the land or there would have to be a complete boycott of the Bishop by the authorities..."

849-PS. Letter from Reich Minister Kerrl to Minister of State, with enclosures, dated 24 July 1938, relating to persecution of Bishop Sproll.

(5) A secret letter, dated 21 April 1942, from the SS to the commandants of concentration camps stated that

> "The Reichsfuehrer SS and Chief of the German Police has ordered that the Polish and Lithuanian priests are to work fully, i.e., may be summoned for all work. The German, Dutch, Norwegian clergymen, etc., are to be employed in future as previously only in the medicinal herb gardens."

1164-PS. Secret letter, dated 21 April 1942, from SS to all concentration camp commanders relating to forced labor of clergymen confined in camps.

c. The Leadership Corps of the Nazi Party Participated in the Confiscation of Church and Religious Property.

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(1) Reichsleiter Bormann sent a letter, dated 19 April 1941, to Reichsleiter Rosenberg, Representative of the Fuehrer for the supervision of the whole ideological and political education of the NSDAP, with respect to certain objections held by Heydrich to a proposed draft decree of Rosenberg relating to "confiscation undertaken, or to be undertaken, in the Reich area of the property of ideological opponents..." Bormann advised Rosenberg that Heydrich insisted that "only the material which the Security Police no longer needs for its political police task should be handed over to you..."

Bormann advises Rosenberg that

> "The Fuehrer emphasized that in the Balkans the use of your experts would not be necessary, since there was no art objects to be confiscated...The libraries and art objects of the monasteries, confiscated in the Reich, were to remain for the time being in these monasteries, in so far as the Gauleiters had not determined otherwise...After the war, careful examination of the stock could be undertaken..." (Underlining supplied)

072-PS. Letter dated 19 April 1941 from Bormann to Rosenberg, relating to seizure of Church and religious property.

(2) The file of the Gestapo regional office in Aachen discloses that, in a speech made on 26 September 1941 at a conference in Berlin of the Church Specialists attached to the Gestapo regional offices, it was stated that

> "About 100 monasteries in the Reich have been dissolved...Churches are to be seized...but, if possible, should not be closed. As long as the confiscation is not absolute, any action which interferes with property, or causes any alteration to it should be avoided."

1815-PS. Gestapo file on espionage and other measures against clergy.

(3) On 21 February 1940, the Chief of the Security Police and the SD, Heydrich, wrote a letter to the Reichsfuehrer SS and Chief of the German Police, Himmler, relating to the proposed expropriation of churches

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and monasteries for the "accommodation of racial Germans." After pointing out that, on political grounds, outright expropriation of religious property would not be feasible at the time, Heydrich suggested that "the respective authorities of the Orders be instructed that they make available the monasteries concerned for the accommodation of racial Germans and remove their own members to other less populous monasteries...The final expropriation of these properties thus placed at our disposal can then be carried out step by step in course of time."

On 5 April 1940, the Chief of the Security Police and of the Security Service SS sent a letter to the Reich Commissioner for the Consolidation of Germandom, enclosing a copy of the foregoing letter from Heydrich to Himmler of 21 February 1940, advising the Commissioner that the Reichsfuehrer SS

> "has agreed to the proposals made in the enclosed letter and has ordered the matter to be dealt with by collaboration between the Chief of the Security Police and Security Service and your office."

In a letter dated 31 October 1940, Reichsfuehrer SS Himmler advised the Commissioner for the Four Year Plan that

> "It is considered absolutely necessary and desirable from the viewpoint of the Security Police to seize also the property owned by the Catholic and Protestant Churches in the incorporated areas" (of Poland).

In a letter dated 30 July 1941, addressed to Reichsleiter of the SS by one of his subordinates, it is stated that

> "As soon as the Reich laws on expropriation had been introduced (in the incorporated Eastern countries), the Reich Governor and Gauleiter in the Wartheland adopted the practice of expropriating real estate belonging to churches for use as dwellings. He grants compensation to the extent of the assessed value and pays the equivalent amount into blocked accounts."

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The writer adds that in the Wartheland all real estate owned by the Churches is being "claimed by the local Gau administration."

In a letter dated 30 March 1942, the Chief of the Staff Main Office submitted a report to Himmler, Reichsleiter SS, describing the facts of the policy of the SS in suspending all payments of rent to monasteries and other Church institutions whose property had been expropriated. The letter discusses a proposal made by the Reich Minister of the Interior, in which the Party Chancery prominently participated, to the effect that the Church institutions should be paid amounts corresponding to current mortgage charges on the premises without realizing any profit. The writer further suggests that such payments should never be made directly to the ecclesiastical institutions but rather should be made to the creditors of such institutions.

> "Such an arrangement would be in line with the basic idea of the settlement originally worked out between the Party Chancery and the Reich Minister of the Interior."

R-101. RSHA correspondence, dated between 5 April 1940 and 30 April 1942, relating to confiscation of Church property, four letters.

(d) The Leadership Corps of the Nazi Party Participated in the Suppression of Religious Publications and Interferred with Free Religious Education.

(1) In a letter dated 27 September 1940, Reichsleiter and Deputy of the Fuehrer Bormann transmitted to Reichsleiter Rosenberg a photostatic copy of a letter from Gauleiter Florian, dated 23 September 1940, which discusses the Gauleiter's intense disapproval, on Nazi ideological grounds, of a religious pamphlet entitled "The Spirit and Soul of the Soldiers," written by Major General von Rabenau. The pamphlet in question was published in the publishing section of the NSDAP, Group I: German Military Might, published by the Party Press. Gauleiter Florian

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states that he entered into a conversation with Rabenau relating to the position of the churches, at the conclusion of a lecture delivered by Rabenau to a group of younger Army officers at Aachen.

> "After he had affirmed the necessity of the churches, Rabenau said, with emphasized self-assurance, something like the following: 'Dear Gauleiter, the Party is making mistake after mistake in the business with the churches. Obtain for me the necessary powers from the Fuehrer and I guarantee that I shall succeed in a few months in establishing peace with the churches for all times.' After this catastrophic ignorance, I gave up the conversation...The reading of von Rabenau's pamphlet 'Spirit and Soul of the Soldier' has reminded me again of this. In this brochure, Rabenau affirms the necessity of the Church straight-forward and clearly, even if it is prudently careful. He writes on Page 28 'There could be more examples; they would suffice to show that a soldier in this world can scarcely get along without thoughts about the next one.' Because von Rabenau is falsely based spiritually, I consider his activities as an educator in spiritual affairs as dangerous, and I am of the opinion that his educational writings are to be dispensed with absolutely and that the publication section of the NSDAP can and must renounce these writings ...The Churches with their Christianity are this danger against which the struggle must always be carried on."

As stated above, Reichsleiter Bormann transmitted a copy of the Gauleiter's letter to Rosenberg with the request that the latter "take action on it."

> 064-PS. Bormann's letter to Rosenberg, dated 27 September 1940, enclosing letter from Gauleiter Florian inveighing against the Church and recommending repression of a religious pamphlet.

(2) In a letter dated 8 March 1940, Reichsleiter Bormann directed Reichsleiter Amann, Reichsleiter for the Press and Leader of the Party Publishing Company, to see to it that in the distribution of paper, restrictions are made against "confessional writing" in favor of "literature, politically and ideologically more valuable." In the above letter Bormann advises Amann that the distribution of paper to the some 3000 Protestant periodicals appearing in Germany was barred.

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089-PS. Letter from Bormann to Rosenberg, dated 8 March 1940, enclosing letter, same date, to Amann, instructing Amann not to issue further supplies of newsprint to confessional publications.

(3) In a letter, dated 17 January 1940, Reichsleiter Bormann informed Reichsleiter Rosenberg of his dissatisfaction concerning the fact that

> "The churches of both confessions are administering spiritually to members of the Armed Forces. This administering finds its expression especially in the fact that soldiers are being sent religious publications by the spiritual leaders of the home congregations. These publications are, in part, very cleverly composed. I have repeated reports that these publications are being read by the troops and thereby exercise a certain influence on the morale.
>
> I have, in the past, sought by sounding out the General Field Marshal, the High Command of the Armed Forces, and...Reich Director Amann, to restrict considerably the production and shipment of publications of this type. The result of these efforts remains unsatisfactory. As Reichsleiter Amann has repeatedly informed me, the restriction of these pamphlets by means of the...paper rationing has not been achieved because the paper...is being purchased on the open market.
>
> If the influencing of the soldiers by the Church is to be effectively combatted, this will only be accomplished by producing many good publications in the shortest possible time under the supervision of the Party...
>
> Thus at the last meeting of the Deputy Gauleiters, comments were uttered on this matter to the effect that a considerable quantity of such publications are not available.
>
> I maintain that it is necessary that in the near future we transmit to the Party Service Offices down to Ortsgruppenleitern a list of additional publications of this sort which should be sent to our soldiers by the Ortsgruppen..." (Underlining supplied)

101-PS, Bormann's letter to Rosenberg, 17 January 1940, relating to the undesirability of religious literature in the Armed Forces.

(4) In a letter, dated 24 January 1939, Reichsleiter Bormann transmitted to Reichsleiter Rosenberg a copy of a letter under the same date which Bormann had sent to the Reich Minister for Knowledge, Education, and

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and Popular Enlightenment. In the enclosed letter, Bormann informs the minister of the Party position with respect to the restriction and reduction of theological faculties. Bormann states that owing to the effects of the introduction of military service, the consequences of the Four Year Plan, and the extraordinary lack of replacements, it would become necessary to carry out a reorganization of the German high schools; and, in view of these developments, he requests Rosenberg to

> "Restrict the theological faculties in so far as they cannot be wholly suppressed...
>
> I request in this instance the omission of any expressed declaration to the churches or to other places, as well as the avoiding of a public announcement of these measures. Complaints and the like must be answered (if they are to be replied to) in the fashion that these measures are being executed in the course of the economic plan of reorganization and that similar things are happening to other faculties.
>
> I would appreciate it very much if professional chairs thus vacated can be then turned over to the newly created fields of inquiry of these last years, such as Racial Research, Archeological Studies, etc."

116-PS. Bormann's letter to Rosenberg, enclosing copy of letter to the Reich Minister of Education, requesting restriction or elimination of theological faculties.

(5) In a letter, dated 17 April 1939, Reichsleiter and Deputy of the Fuehrer Bormann transmitted to Reichsleiter Rosenberg a copy of a plan suggested by the Reich Minister for Science, Education, and Training, relating to the combining and closing of theological faculties. Bormann requested Rosenberg to take cognizance and prompt action with respect to the proposed reduction of the theological faculties. In summary, the plan

> "would include the complete closing of the theological faculties at Innsbruck, Salzburg, and Munich, the transfer of the faculty of Graz to Vienna, and the vanishing of four Catholic faculties: closing of three Catholic theological faculties or higher schools, and of four evangelical faculties in the Winter semester 1939/1940; closing of one further Catholic and of three further evangelical faculties in the near future."

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122-PS. Bormann's letter to Rosenberg enclosing a copy of Rust's letter on Elimination of Theological Faculties in various Universities.

(6) By a decree, dated 20 January 1938, at Munich, the Gestapo ordered the dissolution of the Guild of the Virgin Mary and the Associations of Our Lady attached to it.

> "The property belonging to the dissolved Guild is to be confiscated by the police. Not only is the property in question to be confiscated, but also any stock on hand and other objects of value. All further activity is forbidden the dissolved Guilds, particularly the foundation of any organization intended as a successor or as a cover."

The Gestapo assigned as the reason for the above dissolution of the Guild the fact that it frequently

> "engaged in purely worldly affairs such as community games, and in the holding of 'social evenings.' This proves incontestably that the Guild of the Virgin Mary was active to a very great degree in a manner unecclesiastical and therefore worldly..."

1481-PS. Gestapo decree, 21 January 1938, Munich, dissolving and confiscating property of Catholic Young Women's organization in Bavaria.

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2. RESPONSIBILITY OF THE POLITICAL LEADERSHIP CORPS OF THE NSDAP FOR THE DESTRUCTION OF THE FREE TRADE UNIONS AND THE IMPOSITION OF CONSPIRATORIAL CONTROL OVER THE PRODUCTIVE LABOR CAPACITY OF THE GERMAN NATION.

Note: The evidence relating to the responsibility of the Nazi conspirators for the destruction of the Free Trade Unions is fully set forth elsewhere in the Master Trial Brief. The following evidence is offered to prove and point up the responsibility of the Political Leadership Corps and the members thereof for the dissolution of the trade unions.

a. Soon after their Assumption of Power, Prominent Members of the Political Leadership Corps of the NSDAP participated in the Destruction of the Independent Unions.

(1) In mid-April 1933, Hitler ordered Dr. Robert Ley, then Reichsleiter of the Party Organization, to take over the trade unions.

2283-PS. Volkischer Beobachter, Munich (Southern German) Edition, Speech of Ley, p. 11.

On the 5th day of the Party Congress at Nurnberg, 13 September 1936, Reich Organization Leader, Dr. Ley, stated as follows with respect to the action taken on 2 May 1933 to dissolve the Free Trade Unions:

"My Fuehrer.

When you, my Fuehrer, ordered me in mid-April 1933 to take over the trade unions, I could not understand why you gave this order to me, since I could not see any connection between my task as Organizational Leader of the Party and my new task. Very soon, however, your decision, my Fuehrer, became clear to me and I recognized that the organizational measures of the Party could only come to full fruition when supplemented by the organization of the people, that is to say, by the mobilization of the energies of the people and by their concentration and alignment. If the Party represents the concentration of the Political Leaders of the people - as you, my Fuehrer, have taught us again and again - then the people is the retinue (Gefolgschaft) and must be organized and trained according to the same principles. Leader and retinue, elite and community at large (Fuehrer und Gefolgschaft, Orden und Gemeinde) - those were the clear directives for my work. These were the consequences:

1. My tasks as Organizational Leader of the Party and as the Leader of the German Labor Front were a completely homogeneous task, in other words, in everything I did I acted as Reich Organization Leader of the NSDAP.

2. The German Labor Front was an institution of the Party and was led by it.

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3. The German Labor Front had to be organized regionally and professionally according to the same principles as the Party.

That is why trade union and employer associations had to be smashed unrelentingly, and the basis of construction was formed, as in the Party, by the cell and the local section (Ortsgruppe).

. . . . . .

National Socialism has conquered the factories. Factory troops (Die Werkschar) are the National Socialist shock troops within the factory, and their motto is:

THE FUEHRER IS ALWAYS RIGHT"

2283-PS. Voelkischer Beobachter, Munich (Southern German) Edition, Speech of Ley, p. 11.

Reichsleiter Ley issued a Party directive on 21 April 1933 outlining a "coordination action" scheduled for 2 May 1933 against the General German Trade Union Federation (ADGB) and the General Independent Employee Federation.

392-PS. The Social Life of New Germany with Special Consideration of the German Labor Front, by Prof. Willy Muller (Berlin 1938), NSDAP Circular, pp. 51-52.

The Party directive ordered that SA and SS were to be used in occupying the union offices and for taking into protective custody the higher union leaders.

The order of seizure and dissolution was carried out as planned and ordered. Trade union premises all over Germany were occupied by the SA and the unions dissolved. On 2 May 1933, the official NSDAP Press Service reported that the National Socialist Factory Cells Organization (NSBO) had "eliminated the old leadership" of "Free Trade Unions" and taken over their leadership.

2224-PS. National Socialist Party Press Service release, 2 May 1933, p. 1.

On 3 May 1933, the NSDAP Press Service announced that the Central League of Christian Trade Unions and several smaller unions "have unconditionally subordinated themselves to the leadership of Adolf Hitler." The release added that Dr. Ley, the Leader of the Action Committee for the Protection of German

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Labor, had declared his intention, now that "these associations have unconditionally and without reservation submitted to the NSDAP, to draft the positive and expert forces from these organizations for cooperation." (underlining supplied)

2225-PS. National Socialist Party Press Service, release 3 May 1933.

The execution of the action taken on 2 May 1933 for the dissolution of the Free Trade Unions was entrusted by Reichsleiter Ley to the Gauleiter. Ley's order of 21 April 1933 stated, in pertinent part, as follows:

> "On Tuesday, May 2, 1933, the political coordination of the Free Trade Unions begins...The essential part of the action is to be directed against the German Trade Union Federation and the General Independent Employees' Confederation. Anything beyond that which is dependent upon the Free Trade Union is left to the discretion of the Gauleiter's judgment... The Gauleiter are responsible for the execution of the political coordination action in the individual areas. Supporters of the action should be members of the National Socialist Factory Cell Organization ...The Gauleiter is to proceed with his measures on a basis of the closest understanding with competent regional factory cells directors ("Gaudetriebszellenleiter")...Exceptions (from order to take trade union officials into protective custody) are granted only with the permission of the Gauleiter.... The newly installed commissars (officials of the Nazi Factory Organization) will be nominated by the Gauleiter....The Gauleiter....are to hold the direction of the action firmly in hand." (underlining supplied)

392-PS. The Social Life of New Germany with Sepcial Consideration of the German Labor Front, by Prof. Willy Mueller (Berlin, 1938), NSDAP Circular, pp. 51-52.

(2) By a law of 19 May 1933, signed by Hitler and other Party Leaders, collective bargaining between workers and employers was abolished and replaced by a regulation of working conditions by Labor Trustees, appointed by Hitler.

405-PS. Law concerning Trustees of Labor of 19 May 1933, 1933 RGBl, I, 285.

(3) The action against the trade unions included confiscation of their funds and property.

Reichsleiter Ley's circular ordering seizure of the unions on 2 May 1933 directed the SA and SS to occupy the

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branches and paying offices of the Bank for Workers, Employees, and Officials, and further ordered the freezing and blocking of all union funds until release by authorization of the NSDAP-appointed commissars.

392-PS. The Social Life of New Germany with Special Consideration of the German Labor Front, by Prof. Willy Mueller, (Berlin, 1938), NSDAP Circular, pp. 51-52.

In an address to the 1937 Party Congress, which he made as Reichsleiter of the Party Organization, referring to the seizure of union funds, Ley stated:

> "Once I said to the Fuehrer: 'My Fuehrer, actually I am standing with one foot in jail, for today I am still the trustee of the comrades' "Leipart" and "Imbusch," and should they some day ask me to return their money, then it will be found that I have spent it, either by building things, or otherwise. But they shall never again find their property in the condition in which they handed it over to me. Therefore, I would have to be convicted.'
>
> The Fuehrer laughed then and remarked that apparently I felt extremely well in this condition.
>
> It was very difficult for us all. Today we laugh about it....."

1678-PS. Documents of German Politics, published by the Director of the Official High School for Politics, Vol. V, p. 373.

(4) In the drive to dissolve the Free Trade Unions, union leaders were persecuted.

Reichsleiter Ley's order for the seizure of the trade unions directed that:

> "The following are to be taken into protective custody:
>
> All Trade Union Chairmen;
> The District Secretaries and the
> Branch Directors of the 'Bank for Workers,
> Employees and Officials, Inc.'"

392-PS. Ibid., pp. 51-52.

For proof of publication by the DAF (German Labor Front) of a "List of Outlaws", including active union leaders, who were to be denied employment, see the section of the Trial Brief dealing with the destruction of the Free Trade Unions as a means of furthering the Conspiracy.

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For proof of mistreatment of union leaders, ranging from assault to murder, by the Nazi conspirators, see the section of the Trial Brief dealing with the destruction of the Free Trade Unions in furtherance of the Conspiracy.

b. The Nazi Conspirators Imposed the Leadership Principle upon the Industrial System.

(1) The Leadership Principle was a fundamental doctrine of National Socialism and a basic principle of the Political Leadership Corps.

1814-PS. Organization Book of the NSDAP, Editions of 1936, 1938, and 1940, pp. 86-88.

(2) A law of 20 January 1934 imposed the leadership Principle upon industrial enterprises and provided that the enterpriser should be the leader of the plant and the workers should "constitute his followers." This law further provided that the "leader of the plant makes the decisions for the employees and laborers in all matters concerning the enterprise..."

1861-PS. Law Regulating National Labor, 1934 RGBl, I, 45.

c. The Nazi Political Leaders Replaced the Independent Unions by the Affiliated Party Organization, the German Labor Front (DAF).

(1) The Party Leaders created the German Labor Front.

On the day the Nazis seized the "Free Trade Unions," 2 May 1933, they publicly announced that a "united front of German workers" would be formed with Hitler as honorary patron at a Workers' Congress on 10 May 1933.

2224-PS. National Socialist Party Press Service release, 2 May 1933, pp. 1-2.

(2) On 10 May 1933 Hitler appointed the Reich Leader of the Party Organization, Dr. Ley, as Leader of the German Labor Front (DAF). By the same edict, Hitler appointed Gauleiter Forster, Danzig, as Leader of the Employees' Associations, and Leader of the Nazi Factory Cell Organization (NSBO), Schuhmann, as Leader of the Workers' Associations.

1940-PS. Edict of Hitler, published in Volkischer Beobachter, Southern German Edition, Issue 136, 11 May 1933.

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(3) The German Labor Front was made an affiliated organization of the NSDAP; it was subjected to the Leadership Principle; and Reichsleiter Ley concurrently held the positions of Reich Organization Leader (Reichsorganisationsleiter) and Leader of the German Labor Front.

1814-PS. Organization Book of the NSDAP, Editions of 1936, 1938, 1940, ppd 86-88.

(4) The National Socialist Factory Cells Organization (Nationalsozialische Betriebszellen-Organisation, NSBO) contained the Political Leaders (Politischeleiter) of the NSDAP in the German Labor Front.

2271-PS. Organization Book of the NSDAP, 1936 Edition, p. 185.

(5) The Nazi Political Leaders used the German Labor Front to indoctrinate the German workers with Nazi ideology, to suppress democratic trade-unionism, and to insure control of the productivity of German labor.

The DAF was charged with the ideological training of the masses of German factory workers. Its leaders were entrusted with the task of eliminating opposition to the Party from the ranks of the workers. The DAF was the means by which the Party collected intelligence on labor matters from the factories and had its labor policies carried out.

2336-PS. Special Circular, Organization Office German Labor Front, 27 June 1933.

(6) The German Labor Front took over the leadership of the German cooperatives with a view to their liquidation.

On the occasion of this action, Reichsleiter Ley stated:

> "...the German Labor Front has today taken over the leadership of the cooperatives...The action in itself is a winding-up action, which means that their further extension will not be tolerated...Offices of the NSDAP are requested to shed their hostile attitude towards cooperatives...The two great Reich Leagues of cooperatives will become...merged into one Reich League... as a metter of principle there will be no more voting in any organization, but the leader, Party Member Mueller, is appointed by me and he is authorized to appoint additional leaders..."(underlining supplied)

2270-PS. National Socialist Press Service release, 16 May 1933.

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(7) The Nazi leaders established "Plant Troops" within the "Strength Through Joy" branch of the German Labor Front as an "ideological shock squad" within the factory. The official mission of these "Factory Troops" was "to permeate the factories with National Socialist ideology and philosophy..."

1817-PS. Organization Book of the NSDAP, p. 211.

(8) The SA was charged, pursuant to an agreement between Ley and Lutze (both Reichsleiter and high officials of the Leadership Corps of the NSDAP), with the promotion and strengthening "by all means" of the Factory Troops.

2230-PS. Organization Book of the NSDAP, 1938 Edition, Agreement between Reichsleiter Ley and Lutze, Chief of Staff of the SA, pp. 484-486c.

(9) The working arrangements for the appointment of SA men as leaders of the Factory Troops, reached in the foregoing agreement between Ley and Lutze, was based upon the hierarchical organization of the Leadership Corps of the NSDAP, i.e., Gau, Kreis, etc.

2230-PS. Ibid., pp. 484-486c.

(10) In the course of the war, the German Labor Front was made exclusively responsible for the care of all foreign labor employed within the Reich. This arrangement was based upon an agreement between Ley and Sauckel, both high officials in the Leadership Corps of the NSDAP, Reichsleiter and Gauleiter, respectively. The terms of the agreement were directed, inter alia, to the presidents of the Gau employment offices.

1913-PS. Agreement between Sauckel and Ley, 1943 RGBl, I, p. 588.

(11) Little more than two years after seizing and dissolving the Free Trade Unions, the Nazi leaders secured the enactment of a compulsory Labor Service Law.

1389-PS. Law Creating Reich Labor Service of 26 June 1935, 1935 RGBl, I, 769.

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The above law, making labor service (Reicharbeitsdienst - RAD) compulsory for all "Aryans", was administered under the jurisdiction of the Ministry of the Interior, by Reichsleiter Konstantin Hierl, a member of the Reich Directorate of the Leadership Corps of the NSDAP.

1389-PS. Law creating Reich Labor Service of 26 June 1935, 1935 RGBl, I, 769.

2473-PS. National Socialist Year Book, 1943, p. 170.

(12) In a proclamation to workers within a few days of the launching of war against Poland, Reichsleiter Ley disclosed the preparations and mobilization for war previously made by the Nazis:

> "...we National Socialists have mobilized all resources and all our energies during the past seven years, so as to be equipped for the supreme effort of battle. We do not throw outselves into adventures, and we are not so unscrupulous as to leave anything to accident."

1939-PS. Forge of the Sword, published by the NSDAP Publishing House with an introduction by Marshall Goering, speech by Ley, pp. 14-17.

3. RESPONSIBILITY OF LEADERSHIP CORPS OF NAZI PARTY FOR ILLEGAL ACTIVITIES OF "EINSATZSTAB ROSENBERG" IN PLUNDERING AND LOOTING OF PROPERTY IN GERMAN-OCCUPIED TERRITORY.

Note: The evidence relating to the liability of the Einsatzstab Rosenberg for spoliation and looting of cultural and other property in occupied areas is set forth elsewhere in the Master Trial Brief. The following evidence is offered to prove and point up the responsibility of the Political Leadership Corps of the NSDAP for the illegal activities of the Einsatzstab Rosenberg.

a. Formation, Objectives, and Powers of the Einsatzstab Rosenberg.

(1) On January 29, 1940 Hitler issued a decree ordering Reichsleiter Rosenberg to continue preparations, already begun, leading tothe establishment of the "Hohe Schule" as a center of Nazi ideology and research.

136-PS. Certified Copy of Hitler Order, dated 29 January 1940.

This order called upon all sections of the Party and State to cooperate with Rosenberg in his task:

"The 'Hohe Schule' is supposed to become the center for National Socialistic ideological and educational research. It will be established after the conclusion of the war. I order that the already initiated preparations be continued by Reichsleiter Alfred Rosenberg, especially in the way of research and the setting up of the library.

"All sections of the Party and State are requested to cooperate with him in this task".

136-PS. Certified Copy of Hitler Order, dated 29 January 1940.

(2) Commenced as a project for the establishment of a Nazi research center, the undertaking developed into a program for the systematic seizure of cultural property.

141-PS. Certified Copy of Goering Order, dated 5 November 1940.

For on 1 March 1942 Hitler issued the following decree directed to all offices of the Party, State and Wehrmacht:

"Jews, Free Masons and those opponents of National Socialism who are affiliated with them on the basis of 'Weltanschauung' are the authors of the present war against the Reich. The systematic spiritual battle against these forces is a military necessity.

"I have therefore directed Reichsleiter Alfred Rosenberg to carry out this task in agreement with the Chief of the Wehrmacht High Command. His staff

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for the occupied territories is authorized to search libraries, archives, lodges and other 'Weltanschauung' tasks of the NSDAP, and for future scientific research by the 'Hohe Schule'. The same regulation applies to cultural treasures which are the property or in the possession of Jews, which are ownerless, or the origin of which cannot be clearly established. Directions for carrying out this order in cooperation with the Wehrmacht will be issued by the Chief of the Wehrmacht High Command in agreement with Reichsleiter Rosenberg.

"The necessary measures within the Eastern Territories under German administration will be taken by Reichsleiter Rosenberg in his capacity of Reichsminister for Occupied Eastern Territories".

149-PS. Certified Copy of Hitler Order, dated 1 March 1942.

(3) The above decree was implemented and restated in a letter from Dr. Lammers, Reich Minister and Chief of Chancellery, dated 5 July 1942, directed to the "Highest Reich Authorities and the Services directly Subordinate to the Fuehrer". The letter explained that the Fuehrer had delegated authority to Rosenberg's staff to search for and seize archival and cultural property by virtue of Reichsleiter Rosenberg's position as Representative of the Fuehrer for the supervision of the whole ideological and political education of the NSDAP.

154-PS. Photostatic Copy of Hitler Order, dated 5 July 1942, Lammers' signature.

The letter further states that Rosenberg's staff has been authorized:

"to request the competent Wehrmacht and police services to seize the material found in order to support the NSDAP in fulfillment of its spiritual tasks . . ."

b. Scope of Activities.

(Evidence relating to the scope of the activities of Einsatzstab Rosenberg, both as to territories covered and classes of property seized, is set forth in that portion of the Master Trial Brief, dealing with liability of the Einsatzstab for spoliation and looting of property in occupied areas.)

c. Cooperating Agencies.

(1) By order of June 5, 1940, Keitel (Chief of the OKW) instructed the Chief of the Army High Command (OKW) and the Chief of the Armed Forces in the Netherlands that the Fuehrer had ordered

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compliance with Reichsleiter Rosenberg's suggestions that state libraries and archives be searched for documents valuable to Germany, that chancelleries of high church authorities and lodges be searched for anti- German political maneuvers, and that such material be seized. The order further states that Hitler has directed that the Gestapo, assisted by Rosenberg's archivists, be placed in charge of researches and that SS-Gruppenfuehrer Heydrich, Chief of the Security Police, has been informed and will communicate with the competent military commanders in the execution of the order.

137-PS. Certified Copy of Keitel Order, dated 5 July 1940.

(2) Furthermore, on 17 September 1940, Keitel issued an order to the Chief of the OKW, France, providing, in part, as follows:

> "The ownership status before the war in France, prior to the declaration of war on 1 September 1939, shall be the criterion.
>
> "Ownership transfers to the French State or similar transfers completed after this date are irrelevant and legally invalid (for example, Polish and Slovak libraries in Paris, possessions of the Palais Rothschild or other ownerless Jewish possessions). Reservations regarding search, seizure and transportation to Germany on the basis of the above reasons will not be recognized.
>
> "Reichsleiter Rosenberg and/or his deputy Reichshauptstellenleiter Ebert has received clear instructions from the Fuehrer personally governing the right of seizure; he is entitled to transport to Germany cultural goods which appear valuable to him and to safeguard them there. The Fuehrer has reserved for himself the decision as to their use.
>
> "It is requested that the services in question be informed correspondingly".

138-PS. Certified Copy of Keitel Order, 17 September 1940.

(3) In a letter to Bormann, dated 18 June 1940, Reichsleiter Rosenberg revealed anxiety over the arbitrary removal by the RSHA and other police services of valuable writings from libraries and proposed that final regulation of such confiscations be made by the Gauleiter.

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1071-PS. p. 2. Copy of Rosenberg letter to Bormann, 18 June 1940.

The above letter also stresses the

" . . . close cooperation on a wide scale with the SD and the military commanders . . . this affair (operations in Salonika) has already been executed on our side with the SD in most loyal fashion".

(4) The NAZI PARTY (NSDAP) financed the operations of the Einsatzstab.

090-PS. Letter Rosenberg to Schwarz dated 28 January 1941, copy initialed "Sch."

145-PS. Photostatic copy of order from Rosenberg, Rosenberg's signature, dated 20 August 1941.

(5) In a letter to Goering, dated 18 June 1942, Rosenberg stated that all art objects and other confiscated property should belong to the NSDAP, on the ground that the Party had been bearing the brunt of the battle against the persons and forces from whom this property was taken.

1118-PS. Copy of letter, Rosenberg to Goering, 18 June 1942.

(6) Collaboration of GOERING with Illegal Activities of the Einsatzstab.

(a) On 5 November 1940, Goering issued an order specifying the distribution to be made of art objects brought to the Louvre. The order designates, as second in order of priority in disposition, "those art objects which serve to the completion of the Reich Marshal's collection" and states that the objects will "be packed and shipped to Germany with the assistance of the Luftwaffe."

141-PS. Certified Copy of Goering Order, dated 5 November 1940.

(b) On 1 May 1941, Goering issued an order to all Party, State and Wehrmacht Services calling upon them

"to give all possible support and assistance to the Chief of Staff of Reichsleiter Rosenberg's Staff, Reichshauptstellenleiter Party Comrade Utikal, and his deputy DRW Feldfuehrer Party Comrade von Behr in the discharge of their duties. The above-mentioned persons are requested to report to me on their work, particularly on any difficulties that might arise." (Underlining supplied.)

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This order of Goering's also declares that the battle against Jews, Free Masons, and other affiliated forces of opposite ideology is a primary task of National Socialism and welcomes the decision of Reichsleiter Rosenberg to seize and transport to Germany research and cultural property.

144-PS. Photostatic copy of Goering Order, dated 1 May 1941, Goering's signature.

(c) In a letter dated 30 May 1942, addressed to "Dear Party Member Rosenberg", Goering claimed credit for the successful operations of the Einsatzstab:

> " . . . I know the task of the Einsatzstab very well and must assert that there is no agency to which I am able to express such unrestricted praise . . . On the other hand, I also support personally the work of your Einsatzstab whenever I can do so and a great part of the seized cultural goods can be accounted for because I was able to assist the Einsatzstab by my organizations."

1015-i-PS. Photostatic copy of letter of Goering to Rosenberg, 21 November 1940, Goering's signature.

d. Method of Operation.

For evidence relating to methods of operation of the Einsatzstab, see section of the Master Trial Brief dealing with responsibility of that organization for spoliation and looting of property in German-occupied territories.

e. Nature, Extent and Value of Property Seized.

For evidence relating to above matters, see section of the Trial Brief dealing with illegal activities of th Einsatzstab in connection with the spoliation and looting of property in German-occupied areas.

The documentation supporting the reference section of the Trial Brief shows that property of staggering value was appropriated and removed to Germany by Reichsleiter Rosenberg's Einsatzstab.

A single instance of the reference evidence will be here cited:

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In a letter to Reichsleiter Schwarz, Treasurer of the Nazi Party (NSDAP), dated 28 January 1941, Rosenberg stated with reference to the value of properties seized in France alone:

> "...the value involved will come close to a billion Reichsmarks."

090-PS. Copy of letter, Rosenberg to Party Treasurer Schwarz, dated 28 January 1941.

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ARGUMENT AND CONCLUSION

The evidence set forth above demonstrates that the LEADERSHIP CORPS OF THE NAZI PARTY was a Group or Organization, within the meaning of those terms as used in Article 9 of the Charter, comprising the sum of the top Politischer Leiter (Political Leaders) of the Nazi Party (Pages 2-12, supra). It has been shown that the Leadership Corps was organized on a territorial and hierarchical basis, ranging from the Gau to the Block area of a few households, thereby facilitating Party control of the German national life (Pages 2-8, supra). The foregoing evidence also proves that the Politischer Leiter were a distinctive and elite group within the Party proper, vested with special prerogatives, organized upon the leadership principle, entitled to requisition the services of the Party Formations in the execution of Party policies, and were the primary agency charged with developing and imposing upon their followers and the German people generally the policies and mandates of the Nazi Party and the co-conspirators (Pages 2-12, 28-72, supra).

Evidence submitted elsewhere in the Master Trial Brief shows that the Politischer Leiter (Political Leaders) comprising the leadership Corps of the Party participated in measures taken by the Party, its Formations and the defendants and co-conspirators leading to the acquisition and seizure of totalitarian control in Germany. The evidence assembled and considered above, in conjunction with that adduced elsewhere in the Master Trial Brief, proves that the Leadership Corps were active in extending and consolidating the control thus seized by the Party, the defendants and co-conspirators in Germany, leading to a social situation in which the Party and the Leadership Corps thereof dominated, controlled and dictated to the German State and Government.(Pages 15-23, supra). Among the proofs cited by the present Brief, probative of the fact of domina- of the State and Government by the Nazi Party as directed by the Leadership Corps, were: the Law of 14 July 1933, establishing the

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One-Party State and suppressing all other political parties; the Law of 1 December 1933, declaring that the NSDAP was the pillar of the German State, linked to it indissoluably and making the Deputy of the Fuehrer (then Hess) and the Chief of Staff of the SA (then Rohm) - both Politischer Leiter in the Reichsleitung or Reich Party Directorate of the Leadership Corps - members of the Cabinet; the Law of 15 September 1935 making the Swastika flag of the Party the official flag of the Reich; and the decree of 16 January 1942 providing for the participation of the defendant and Reichsleiter Bormann in all Reich legislation and governmental appointments. Furthermore, the combined effect of the evidence presented in both the present Brief and that contained in the Brief relating to the criminality of the Reich Cabinet shows that the Party and the Leadership Corps consolidated control over the Cabinet, by combining ministerial and Party offices in the same Politischer Leiter and by creating new ministries and conferring the rank of Reichminister upon top members of the Leadership Corps (Pages 15-16, supra). Elsewhere in the Master Trial Rief it will have been shown that the SS contributed to the domination of Party over State. The present Brief has shown that Himmler, as Reich Fuehrer of the SS, was a member of the Reichsleitung, the central committee of the Leadership Corps; the actions of Himmler in that capacity and of the SS in carrying out the directives of Himmler and the policies decreed by the Leadership Corps are evidentiary of the criminality of the latter Group in furthering the Conspiracy denounced by the Charter.

By virtue of such control of the Party and Leadership Corps over the German State and Government, the Leadership Corps is blameworthy, on ordinary principles of liability, for, among other laws and measures undertaken by the German Government, in promotion of the Conspiracy, a large body of anti-Semitic and discriminatory laws (Pages 23-27, supra).

From the period in which control over German life was consolidated to 1945, the Leadership Corps of the Nazi Party was systematically

employed in advancing the course of the Conspiracy by a wide range of acts which included, but were not limited to, the smashing of the independent trade unions; the preparation, support and direction of the Nazi war effort; the commission of war crimes against Allied military personnel and the civil population of German-occupied areas; the conscription, deprtation and inhuman treatment of Forced Labor; the persecution of the Jews and other minority groups; the spoliation, wanton destruction and other illegal action with respect to public and private property in the occupied areas; and related illegal measures, (Pages 28-44, supra & other Briefs for the Prosecution). Specifically, it is shown above that the Leadership Corps was employed in the dissolution of the trade unions (Pages 59-66, supra); the subversion of the Christian Churchesand persecution of the clergy (Pages 44-58, supra); and in the looting of property in occupied areas, especially in connection with the illegal activities of the Einsatzstab Rosenberg (Pages 67-72, supra).

From a summary and a total view of all the evidence marshalled and offered above and elsewhere in the Master Trial Brief it becomes incontrovertibly clear that the multifarious activities of the Leadership Corps were designed and intended to, and in fact did, promote the progress of the Conspiracy through its various phases. Thus, the inference is well supported that the Leadership Corps was actively employed in assisting the defendants and their co-conspirators in carrying out the objectives of the Conspiracy alleged in Count I of the Indictment. It follows that the Leadership Corps, as well as the Politischer Leiter composing it, were in fact co-conspirators, and their participation in the Conspiracy contemplated and involved the commission of Crimes against Peace, War Crimes, and Crimes against Humanity.

The foregoing summary of the evidence further establishes that the defendants and conspirators, Rosenberg and Bormann, acting in their capacity as Politischer Leiter of the Reichsleitung (Reich Party Directorate) of the Leadership Corps of the Nazi Party and as members

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thereof, participated in the Conspiracy or Common Plan alleged in Count I of the Indictment, and committed acts constituting the Crimes alleged in Counts II, III, and IV thereof.

Accordingly:

1. The Leadership Corps of the Nazi Party is a Group or Organization in the sense in which those terms are used in Article 9 of the Charter.
2. The defendants and conspirators, Rosenberg and Bormann, committed the Crimes defined in Article 6 of the Charter and in their capacity as members and Politischer Leiter (Political Leaders) of the Leadership Corps of the Nazi Party.
3. It was, at all times, the primary and central design and purpose of the Leadership Corps of the Nazi Party to direct, engage and participate in the execution of a Conspiracy which contemplated and involved the commission of the Crimes defined in Article 6 of the Charter.

It is therefore submitted that the Leadership Corps of the Nazi Party, by reason of its aims, activities, and the means used for their accomplishment, is, and should be declared, a criminal Group or Organization, in accordance with Article 9 of the Charter.

Respectfully submitted:

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NO.
NAME

INTERNATIONAL MILITARY TRIBUNAL

NI-1133

TRIAL BRIEF

"V"

CRIMINALITY OF DAS KORPS DER POLITISCHEN LEITER DER
NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI
(LEADERSHIP CORPS OF THE NAZI PARTY)

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